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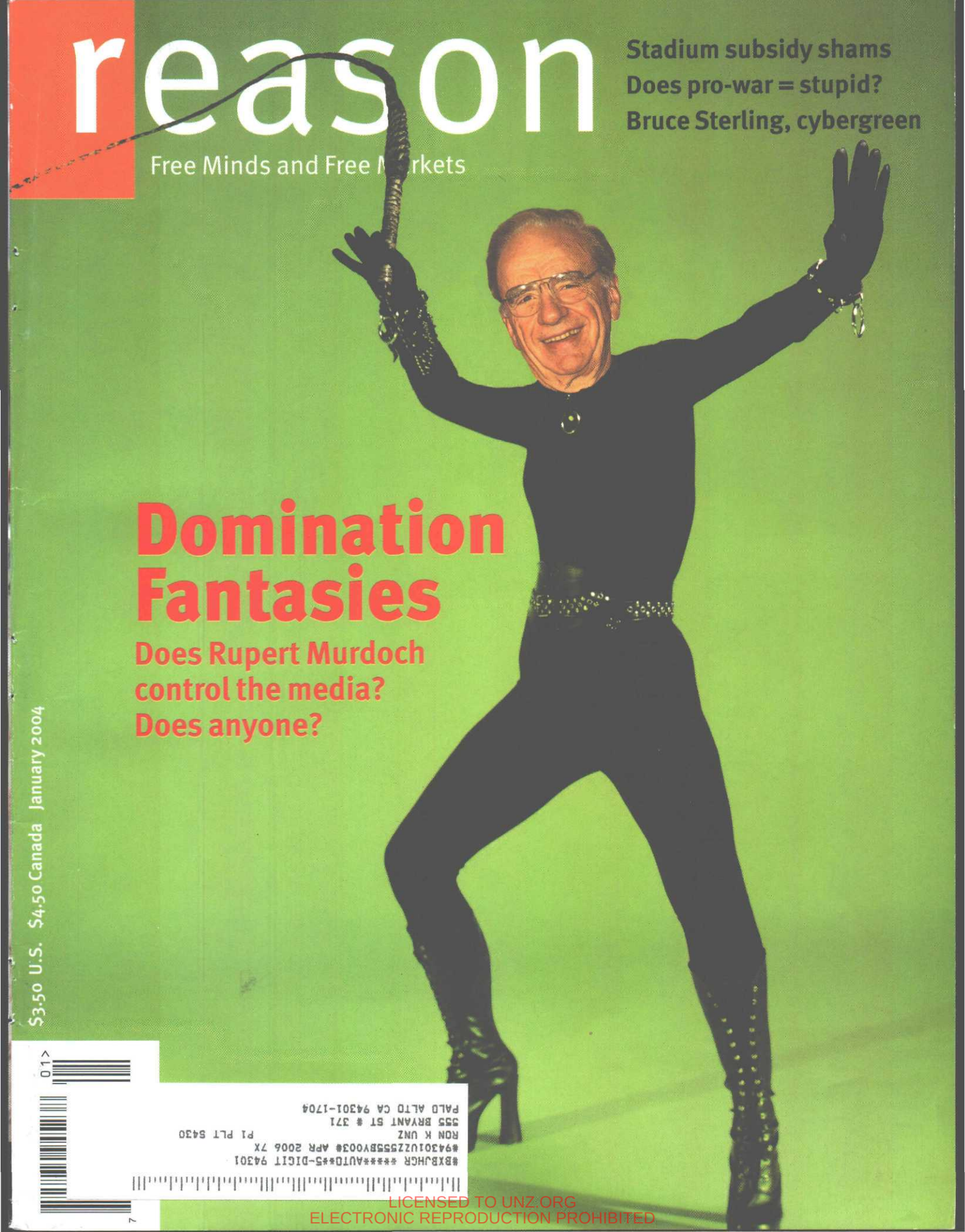
Free Minds and Free Markets

Stadium subsidy shams
Does pro-war = stupid?
Bruce Sterling, cybergreen



Domination Fantasies

Does Rupert Murdoch control the media? Does anyone?

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Free Minds and Free Markets

January 2004
Volume 35, No. 8

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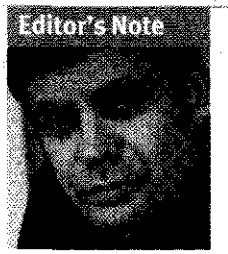
Editor's Note



The Myth of Media Monopoly

LET ME APOLOGIZE in advance for any nightmares induced by this month's cover image. And let me apologize to dominatrices, too, for linking them to as controversial and (in some circles) disreputable a figure as Rupert Murdoch.

Yet the questions our cover asks—Does Rupert Murdoch control the media? Does anyone?—are vitally important and deserving of a provocative image. As the power behind News Corp., the Fox broadcast network, the Fox News Channel, *The Weekly Standard*, and more, Murdoch seems every inch a latter-day William Randolph Hearst, controlling a media empire that many believe exercises tyrannical, ideologically driven control over the nation's news and entertainment.

Liberals and leftists fume especially at the popular success of the Fox News Channel. As Robert McChesney, co-author of *Our Media, Not Theirs: The Democratic Struggle Against Corporate Media*, has thundered, Fox News "does virtually no journalism at all." For their part, conservatives wink at Fox News' self-evidently ironic "fair and balanced" mantra, preferring to forget that only a few years ago Murdoch was an arch villain to them. In 1999 professional moralist "Lucky Bill" Bennett teamed up with current Democratic presidential hopeful Joe Lieberman to present the Aussie-born magnate a "Silver Sewer Award," an honor the dyspeptic duo used to bestow annually upon the nation's top "cultural polluter." By creating TV shows such as *Married...With Children* and *The Simpsons*, Murdoch supposedly had "done more than any other programmer in television to foul the public airwaves and define our cultural norms down."

So does Murdoch—or anyone else—control the media? As media researcher Ben Compaine underscores in "Domination Fantasies" (page 26), the answer is no. In an age when the right and the left shrilly insist that the other is consolidating total control over the planet's airwaves, publishing houses, and newspapers, Compaine argues persuasively that fears about "galloping concentration" in the media are about as compelling as the quickly canceled Fox series *Skin*.

As far as major industries go, the media are not particularly concentrated, nor have they become much more so during the last 10 or 20 years. Compaine explains how deregulation and market forces—viewed suspiciously by liberals and conservatives alike—help ensure a diversity of viewpoints. "Most important," writes Compaine, "there is no compelling evidence that the current level of media concentration has had negative consequences for consumers, culture, or democracy." Indeed, these days any individual can "easily and inexpensively have access to a huge variety of news, information, opinion, culture, and entertainment, whether from 10, 50, or 3,000 sources."

That's the sort of liberating outcome people used to wish for in the dread age of three broadcast channels, a few dominant print outlets, and no Internet. And it's one that those of us who can now communicate far more easily and effectively to whole new audiences find positively thrilling.

Nick Gillespie

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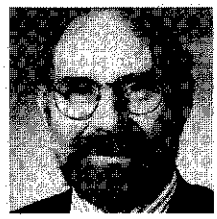
Ben Compaine

Renee Moilanen

Jeremy Lott

At a time when the media are purportedly monopolized by a few self-serving corporations, it's amazing how many books you can sell decrying self-serving media monopolies. BEN COMPAINE, co-author of *Who Owns the Media?* (Lawrence Erlbaum Associates, 2000), dissents from that pessimistic chorus ("The Myth of Media Monopoly," page 26). Compaine holds an MBA from Harvard and a Ph.D. in mass communications from Temple University, where he has also taught. He is currently a research consultant at MIT's Program on Internet and Telecoms Convergence. Although he gets most of his news from Google, Compaine turns on Fox News "whenever CNN gets too bland."

A product of Nancy Reagan's 1980s, RENEE MOILANEN was solidly on board with the "Just Say No" bandwagon until high school, when she and her peers began to see those dire warnings as propaganda. As an education reporter for the Torrance, California, *Daily Breeze*, she felt a sense of déjà vu as she watched today's "new and improved" drug prevention programs in action. In "Just Say No Again" (page 34), she reports on the still-dull cutting edge of drug education. Moilanen is currently earning a master's degree at UCLA's School of Public Policy and Social Research, where she studies drug policy.

Former **reason** intern JEREMY LOTT is always fascinated when the media manage to get a big story grotesquely wrong. That and his exposure to archaeology as a Bible studies major at British Columbia's Trinity Western University drew him to the contradictory reports of artifact theft in postwar Iraq and the debate over how to deal with it. In "Found Objects" (page 52), he examines the mixture of principle and self-interest driving the conflict among archaeologists. The 25-year-old Lott now writes for *The American Spectator*, where he is both assistant managing editor and assistant managing Web editor.

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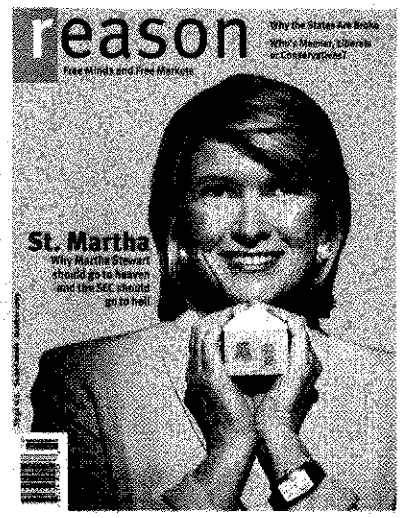

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Liberty Belle

Libertarian means different things to different people, but Sabine Herold, the young self-proclaimed Franco-libertarian profiled by Matt Welch ("Liberty Belle," October) seems a bit confused on one of the most basic tenets of libertarianism: a non-interventionist foreign policy. In spite of libertarian positions on several important issues, including labor unions, drug policy, and taxes, Herold's leadership of pro-war rallies makes one wonder if she understands what libertarianism means or if she thinks it is just the newest political fad.

Unfortunately, Welch failed to question her misguided belief that fighting completely unjustified wars is somehow "libertarian" and left Herold looking rather more like a French counterpart to America's misguided hippies, rebelling against their respective national stereotypes. Ms. Herold may be rebelling against a stifling French socialism, but she is either too young or too immature to concede that her countrymen were completely justified in opposing the war in Iraq, even if their opposition was not based on completely libertarian reasoning.

Paul Gessing
Alexandria, VA

Matt Welch replies: There are a number of prominent self-identified libertarians who supported both the Afghanistan and Iraq wars. As has been detailed repeatedly in this magazine (most recently in the roundtable debate "Forcing Freedom: Can liberalism be spread at gunpoint?," in the August/September 2003 issue), libertarians have notoriously divided positions on international policy. There was much ground to cover in the 30 minutes I had with Mlle. Herold, and I chose to focus on other things.

Bipartisan Coulterism

It is unusual for me to find fault with the logic of Cathy Young ("Bipartisan Coulterism," October), but for her to use the much criticized (by conservatives) Ann Coulter as a representative of conservatism while underplaying the influence of Michael Moore, who was given an Oscar for his phony documentary *Bowling for Columbine* and received no criticism from liberals for his contemptuous acceptance speech, is absurd. More to the point, it isn't the people like Coulter and Moore who reveal the souls of their political ideologies; it is those who agree or disagree with them and the nature of their response.

Conservatives were major critics of Trent Lott after what should have been an inconsequential gaffe. Compare that to the acceptance of Howard Dean's repeated accusation that the president lied in his 2003 State of the Union speech. Read the venomous statements on the signs carried by so-called peace protesters and the letters to the editor aimed at anyone who disapproved of the U.S. Supreme Court's decision on affirmative action or anti-sodomy laws.

When watching a political talk show such as *Hannity & Colmes*, one can mute the sound and still identify the debaters as liberal or conservative. The one with his mouth wide open and the vein on his forehead protruding is the liberal; the one sitting quietly awaiting his turn to speak is the conservative. Try it if you don't believe me.

Kenneth Dunlap
Afton, MN

Cathy Young replies: Michael Moore may have gotten an Oscar, but he has never, to my knowledge, been invited to speak at a political event by a major liberal political organization—in con-

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trast to Coulter, who has been a regular at Conservative Political Action Committee conferences.

Trent Lott's "inconsequential gaffe" cost him his position as Senate majority leader because it broke modern-day America's ultimate taboo: Lott seemed to express nostalgia for racial segregation (a statement that must be seen in the context of Lott's history, which included hobnobbing with the racist, segregationist Council of Conservative Citizens). On the other hand, conservatives circled the wagons around Rick Santorum after his bigoted comments about homosexuality. There are plenty of examples of even more extreme rhetoric that conservatives have tolerated in their midst.

I assume that Kenneth Dunlap has never seen extremist rhetoric on posters carried by right-to-life protesters, or venomous language in letters to the editor condemning those who oppose the war in Iraq. How lucky for him.

Denial of Service

Julian Sanchez's characterization of AmeriCorps ("Denial of Service," October) rang true. As a member of AmeriCorps' Teach for America program, I received a $40,000 per year living stipend in addition to the $4,000 in tuition reimbursement. That's hardly volunteer work; it's a good job with nice benefits for someone just out of college.

Also, TFA is a radically left-wing organization that promotes "progressive education" and other liberal causes. One of the exercises required that we get in a circle and talk about our "privileges." Members regularly proclaimed that we need to revolt against the racist, imperialist, patriarchal capitalist system. In fact, this was a part of our mission as teachers.

I resigned after my first year.

Name withheld by request
Miami, FL

St. Martha

Michael McMenamin's article, "St. Martha" (October), displayed a level of bias and a lack of perspective rare for this magazine. While I don't relish Martha Stewart's trials and tribulations, it's a stretch to paint her as a saint martyred at the hands of the evil government.

McMenamin does a decent job exposing some of the improprieties and inequities practiced by the Department of Justice and the Securities and Exchange Commission. Based on that alone, I would say the case against Stewart should be dropped. But McMenamin's quest to make Stewart a saint seems to be a subterfuge for an anti-government agenda. Throughout the article, McMenamin ascribes innocent motivations to Stewart while ascribing evil motivations to the government. McMenamin can't imagine any economic harm resulting from insider trading; he even questions the validity of insider trading laws, a subject that could be interesting and provocative if written by a less biased person.

Prior to selling her ImClone shares, Stewart received material, nonpublic information from her broker, and then she tried to speak with Sam Waksal for the purpose of receiving additional information. McMenamin tries to mitigate this by referring to the SEC's "long discredited fairness theory." McMenamin gladly accepts unfairness in business but bitterly decries unfairness in the judicial system. Both topics are worthy of a more balanced, reasonable approach.

Steven Mason
San Leandro, CA

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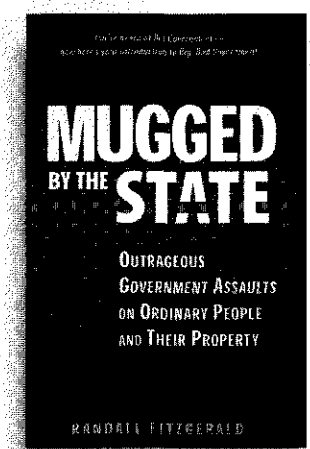

Mugged by the State
Outrageous Government Assaults on Ordinary People and Their Property

Randall Fitzgerald

◆

It's a scandal—misguided government policies and overzealous enforcement victimizing ordinary Americans. In *Mugged by the State*, Randall Fitzgerald uncovers example after example of government harassment, including a woman taken to jail for not wearing a seatbelt, a couple who found army helicopters hovering over their land in a dispute over wetlands, and countless others.

Fitzgerald, a longtime reporter for *Reader's Digest*, gives a voice to the countless Americans whose freedoms are being violated by the very government that should be protecting them.

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One for the "throw the baby out with bathwater" file is Michael McMenamin's "St. Martha." Citing the hypocrisy and machinations at the SEC and Justice Department in pursuing "insider trading" violations, McMenamin acknowledges that trading on material, nonpublic information "should be regulated by existing criminal laws" or "left to the public companies and the stock exchanges." Agreed. But to promote Stewart as a "saint" strains credibility at best. As an executive at a public company and a former stockbroker, she should have known better.

As a former investor relations professional, I assure you that misrepresentation (and probably fraud) are pandemic on Wall Street and among public companies. Sam Waksal at ImClone could not have been acting in good conscience when he traded on inside information, and then shared this information with family.

Gordon Gekko was right in *Wall Street*: "Greed, for lack of a better term, is good." However, sneaky, self-dealing avarice is not. Its existence should not be condoned—and certainly not lionized—by a magazine committed to "free minds and free markets."

Robert Capozzi
Alexandria, VA

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I forced myself to read "St. Martha," despite not caring a tinker's dam about Martha Stewart, because attorney McMenamin challenges the SEC. His thesis that "government lawyers want to enhance their own power and prestige" is valid but is unfortunately buried at the end of the article. McMenamin's grasp of economics leaves something to be desired, and his policy prescription is somewhat glib. I give him the benefit of the doubt since he is an attorney and not an economist or accountant. But **reason** readers deserve better, and we libertarians can offer better regulatory policy for that market. In the aftermath of Enron, this is really important.

McMenamin's economic argument is weak when he quotes Henry Manne (whom I have not read), perhaps out of context: "When insiders trade on their knowledge, that information is immediately reflected in stock prices." Well, no, not immediately; these very traders are the mediators. They enjoy an opportunity to sell before anyone else knows why. Smart money moves first, but who should take the loss?

A simple example: My house is infested with termites, but I sell it to you as if it were fine. You buy and discover the deficiency, so now the "market" knows. Caveat emptor. You eat the loss and I get away scott-free—unless, of course, you file a civil complaint for restitution, which keeps me awake at night and may cost me all the expense that I tried to avoid by dumping it on you. You win. I suffer the loss anyway, along with the punishment of court costs to boot. Isn't this economic justice?

In the case of ImClone, Sam Waksal sold knowing about the termites. The buyers are victims of his panic, and the SEC should side with them (and sellers influenced by Waksal) as a mat-

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ter of policy. It should seek restitution from the perpetrator at civil law.

Civil complaint has two benefits: The loss is forced back on the person who tried to avoid it, returning some compensation to the hands of the defrauded plaintiffs, and it is far easier to achieve a judgment at civil law.

In criminal law, the standard for decision is evidence of crime "beyond a reasonable doubt," and doubt is easy here. In a civil complaint, the finding need only be based on a "preponderance" of evidence. Such a policy will scare the living daylights out future Waksals, Ken Lays, and Jeff Skillings. Caveat emptor is well and good, but it's only half the story. Caveat vendor is equally necessary to dissuade fraud and allow equal recourse so that everyone is responsible for building the trust that is the fundamental basis of free trade.

Samuel H. Coppock
Chandler AZ

Thanks for taking the time to put together the story. I have never been a fan of Martha Stewart, but shame on the media and the prosecutors for putting her through this.

Steve Johnson
Troy, MI

Michael McMenamin replies: The editors chose the title, but I happen to like "St. Martha." My memory from a Catholic childhood is that, like heroes, most saints did not volunteer to be martyrs. Neither did Stewart. But saints had the courage to stand up for their beliefs. So did Stewart.

No American should ever be indicted for the "crime" of publicly declaring her innocence of charges leaked by anonymous government sources. That's what James Comey, the U.S. attorney for the Southern District of New York, did to Stewart, and it's wrong.

Trading on asymmetric information, whether or not it's "unfair," is not synonymous with fraud. Steven Mason may really believe Stewart received "material, nonpublic information from her broker," but no competent securities lawyer would agree. ImClone stock had already tanked by the time Stewart's broker called her, and the fact that he (improperly) told her Sam Waksal and his daughter were among the selling horde is not "material" by any legal precedent.

As for the claim that Stewart "should have known better," give me a break. Insider trading is the epitome of an undefined, unconstitutionally vague offense. It's only a valid target of the law in a situation where there's actual fraud involving someone to whom the trader had a fiduciary obligation, such as the one Sam Waksal had to his shareholders not to trade on inside information.

Martha Stewart had no fiduciary obligation to anyone, and no one had ever been charged before with insider trading because his broker tipped him to another customer's sales. How was Stewart to know she was going to be a test case for the newest iteration of the undefined crime of insider trading?

Martha Stewart does not belong in the same sentence with the likes of Enron's Ken Lay and Jeff Skilling. Unlike Stewart, they betrayed their fiduciary obligations to employees, retirees, and shareholders. Those were cases of accounting fraud. Libertarians don't need to offer "better regulatory policy" to take care of that.

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Radio signals make waves; gun control's shaky foundation; outsourcers against outsourcing; cops and crooks in cahoots; states eye Internet sales; the no-Kobe zone; rose-colored calculators

Anti-cokehead discrimination

Snow Job

Brandon Turner

JOEL HERNANDEZ WANTS his old job back, and employers and addicts across the country may have a stake in whether he gets it.

Fired from Hughes Missile Systems (now Raytheon) in 1991 when he tested positive for cocaine, Hernandez, who also had a drinking problem, reapplied in 1994 after joining Alcoholics Anonymous and giving up drugs. Hughes rejected his application, citing a company policy against rehiring former employees discharged for misconduct. But Hernandez contends he is protected as a recovered drug addict under the Americans with Disabilities Act. The U.S. Court of Appeals for the 9th Circuit agreed, and the Supreme Court is expected to rule on Raytheon's appeal of that decision soon.

"The 9th Circuit court's decision needs to be reversed," says Ann Reesman, general counsel of the Equal Employment Advisory Council. "The decision is very problematic for the employer's need to regulate the workplace. Any situation can be viewed as, 'My disability made me do it.'"

Hernandez's attorneys claim the case is "fact specific" and would not set a broader precedent. But Walter Olson, author of *The Excuse Factory: How Employment Law Is Paralyzing the American Workplace* (1997), believes the Supreme Court's track record of supporting neutral policies concerning employee conduct makes it likely that the 9th Circuit's decision will be overturned. ▮

Radio signals make waves

WiFoes

Julian Sanchez

THE BOARD OF School District 97 in Oak Park, Illinois, thought installing wireless computer networks in elementary school classrooms was progressive and cutting edge. But in an action that may soon be emulated elsewhere, three sets of parents who believe the network is a menace to their children are suing the district to have it removed.

It all began when a local activist contacted parents after she "noticed some tall, ugly towers going up over the schools in Oak Park," wrote plaintiff Ron Baiman in the newsletter of the Chicago Democratic Socialists of America. A bit of Internet research turned up some alarming studies purporting to show that radio frequency radiation similar to that used in wireless networks could break down DNA or damage the protective barrier surrounding the brain. An appendix to the complaint lists 28 such studies.

John Moulder, a professor of radiation oncology at the Medical College of Wisconsin who has followed the scientific literature on radio frequency radiation for several decades, believes the parents have been frightened by an unrepresentative sample of the research. In addition to methodological problems with several of the stud-

"For government officials...there should be no right to privacy or confidentiality whatever. And so: no bugging and no compulsory testimony for private citizens; but strip our rulers bare."

—Murray N. Rothbard, "Privacy, or the 'Right to Know'?"

"It is the existence of laws and regulations...that gives politicians their license to peddle influence. We shall have corruption as long as these powers remain in the politicians' hands."

—Robert Poole Jr., "Corruption in Government"

"During the first few decades of its existence, the ACLU took no notice of psychiatry and involuntary mental hospitalization. Once it did...the Union's immediate response...was to embrace it as a heaven-sent—nay, science-sent—answer to the problem of social deviance and social control."

—Thomas Szasz, "The ACLU's 'Mental Illness' Cop-Out"

"The containment theory offered no radical or noncontradictory alternative to communism, because to do so...would be to repudiate the existing statist power structure in the United States."

—Raymond Welch, "Containing Communism"

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ies, he says, "some have failed multiple attempts at replication, and many are contradicted by other larger studies. I believe the technical term for this is *cherry picking*."

The parents' complaint also contends that Federal Communications Commission standards cover only the "thermal" effects of RF radiation, rather than potential biological effects such as harm to DNA strands. Bruce Romano, associate chief of the FCC's Office of Engineering and

Technology, says that's because the agency "has not been able to determine that there is any reliable evidence of nonthermal health effects."

Baiman, father of two girls in the Oak Park school system, believes both Moulder and the FCC are unduly influenced by the wireless industry, and that "the prudent, rational thing to do is to say, 'Whoa, let's hold off.'" Others argue that we already have decades of experience with sources of RF radiation, from TV sets and microwaves to cellular phones. Whichever side is right, risk-averse school administrators around the country may feel that, until the case is settled, it's better to fall behind the technological curve than risk a lawsuit.

Gun control's shaky foundation

Shots in the Dark

Jacob Sullum

YOU MIGHT THINK it's big news when a panel of experts appointed by the U.S. Centers for Disease Control and Prevention (CDC), usually a gun control booster, concludes there's no good evidence that legal restrictions on firearms do what they're supposed to do. Yet *The New York Times* and *The Washington Post*, which have given generous coverage to CDC-funded studies with results favoring gun control, both allotted the story fewer than 200 easily missed words.

In what it described as "a systematic review of scientific evidence regarding the effectiveness of firearms laws," the CDC panel considered 51 published studies examining seven different kinds of laws, including restrictions on who may own a firearm, waiting periods for gun purchases, and bans on specific firearms (such as "assault weapons" and "Saturday night specials"). They "found insufficient evidence to determine the effectiveness of any of the firearms laws or combinations of laws."

The report (available at www.cdc.gov) cites a variety of methodological problems, including inadequate comparisons and the failure to control for confounding variables. The reviewers' most consistent finding was inconsistent findings: Sometimes gun control is associated with reduced violence, and sometimes it's associated with increased violence. "In conclusion," they say, "the application of imperfect methods to imperfect data has commonly resulted in inconsistent and otherwise insufficient evidence with which to determine the effectiveness of firearms laws."

The reviewers called for more and better research, cautioning that "insufficient evidence to determine effectiveness should not be interpreted as evidence of ineffectiveness." Yet the federal government has been restricting guns for nearly 70 years, states and localities even longer. The benefits must be subtle to have escaped detection all these years.

Outsourcers against outsourcing

Chipped Beef

Jeff A. Taylor

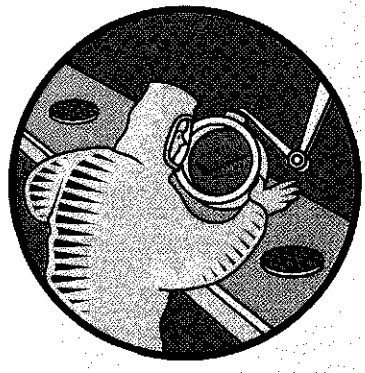
THE CHAIRMAN OF computer chip maker Intel has a problem with high-tech companies sending jobs overseas. Andy Grove thinks the problem is so big that the federal government should get involved with a proto-industrial policy for technology. But the problem is not so big that Intel should stop sending work overseas.

Confused? So is Grove, as well as much of commentary on the subject. The confusion lies in the difference between a short-term trend and a fundamental shift in doing business—what Grove would call a "10X change."

Intel and many hardware and software firms are currently trying to shed costs while revenue remains flat. Swapping U.S. workers for Indian or Chinese ones sure looks attractive in the current environment, and that explains why Grove says his duty to shareholders compels him to explore outshoring.

But does this mean that the U.S. is losing the vital brainpower it needs to remain a tech leader? Only if the executives outshoring the jobs don't know what they're doing. Companies that don't retain their core competencies—their tech crown jewels—in the U.S., even as they shift grunt work overseas, will not be in business for very long, with or without foreign competition. Grove implicitly doubts the competence of his peers, comparing the software business to the steel and semiconductor industries before they went overseas.

However, the big difference is start-up costs. Engineers carry their raw materials around in their heads. If IBM chops 3,000 of its best engineers one week, in a month it could have a dozen new competitors, particularly in a more robust economy. So the key to retaining tech leadership is keeping entry barriers to tech industries low, not creating »



Quotes

"Bush told his senior aides Tuesday that he 'didn't want to see any stories' quoting unnamed administration officials in the media anymore...said a senior administration official who asked that his name not be used."

—*The Philadelphia Inquirer*, October 16

"Italy is now a great country to invest in.... Today we have fewer communists.... Another reason to invest in Italy is that we have beautiful secretaries."

—Italian Prime Minister Silvio Berlusconi, in a September 24 speech

Source

American ideals are popular around the world—America itself, not so much. That's the broad portrait painted by the *Views of a Changing World 2003* survey conducted by the Pew Research Center for People and the Press, which measured the opinions of 16,000 people around the world on a wide variety of issues.

Democracy, modernity, and free markets are viewed favorably almost everywhere. Africans were far more likely than Westerners to say that the effects of global trade had been "very good." But people's opinions of the U.S. have grown far less positive during the last year. Our approval rating among Nigerian Muslims sank from 71 percent to 38 percent, and even in places such as Brazil, South Korea, and Russia, people were "disappointed" about Iraq's mild military resistance. The full report can be downloaded from people-press.org/reports/pdf/185.pdf.

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Brickbats

Mile Novakovic was convicted *in absentia* by Croatia for war crimes in 1995. He was finally apprehended this year. That's when authorities figured out they'd tried and convicted the wrong man. They meant to convict a higher-ranking soldier with the same name. "These things sometimes happen, more often when the court doesn't actually face a defendant," said Croatian Justice Minister Ingrid Marinovic.

Paris High School's marching band had an ambitious idea for a half-time show. "Visions of World War Two" presented flags and music from each of the warring nations. For Germany, the Texas school's band played "Deutschland über Alles" while the color guard waved a Nazi flag. The show wasn't quite the hit the band expected. It didn't help that it was presented at the start of Rosh Hashanah.

When Chilean authorities found white powder in Fernando Vasquez's luggage, he told them it was talcum for his feet. A field test for drugs came back negative, but they jailed him anyway. He spent two months there before they got around to doing further tests on the powder. It turns out he was telling the truth.

Brandon Kivi and his girlfriend, Andra Ferguson, have a lot in common, including using the same type of asthma inhaler. So when Ferguson began having breathing problems and found she'd forgotten her inhaler, Kivi let her use his. Her mother says the boy may have saved Ferguson's life, but officials at Caney Creek High School in Texas say Kivi violated school drug policy. They had him arrested for delivering a dangerous drug, suspended him for three days, and may expel him.

Limo fleet owner Daniel Steiner may lose his taxi license. Did he overcharge customers? Drive an unsafe rig? No. Tampa, Florida, authorities say he wasn't making enough money. The law requires a minimum $40 fare, and Steiner allegedly was charging less.

Rap-rock band Linkin Park will play Malaysia...on a few conditions. "Male artists must cover their bodies from the chest to knee level," the Ministry of Culture and Arts said. "The artist must not display rough, raunchy actions that conflict with pure values, such as leaping around, screaming or throwing something from the stage to the audience." Also, the musicians may not wear anything "obscene, linked to drugs or related to negative elements." Should be a rockin' show.

The Mexican government, which owns the name brand Tequila, is considering requiring that all tequila be bottled in Mexico. Not surprisingly, American bottlers see this as an attempt to take their business away and give it to Mexican firms.

Britain's Department of Health has decided to postpone the introduction of a new treatment for macular degeneration, which causes blindness in the elderly. Advocates for the blind say the delay is a cynical attempt to ration the new treatment, noting that private patients can already get it. The Royal National Institute for the Blind says the delay will doom 2,800 people to blindness.

Charles Oliver

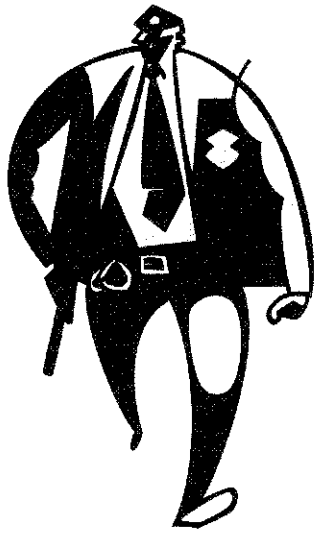
› new federal programs. Besides, if CEOs, CIOs, and CFOs make mistakes deciding which jobs are vital, why would a bureaucrat do any better?

Cops and crooks in cahoots

The Blurry Blue Line

Jesse Walker

RETIRED G-MAN H. Paul Rico made headlines in October when he was arrested for his alleged role in the 1981 murder of businessman Roger Wheeler. Before leaving the Federal Bureau of Investigation in 1975, Rico had



been one of the driving forces behind the FBI's mob informant program, which has mired the bureau's Boston office in scandal for several years.

To cultivate their informants, particularly James "Whitey" Bulger and Stephen Flemmi, agents in the Boston Organized Crime Squad shielded the gangsters while they continued to run their loan sharking, drug running, and other operations. Meanwhile, feeding information to the FBI turned out to be a good way for the informants to remove rivals from play. After a new group of investigators began building a case against Bulger in 1994, one of the old agents, John Connolly, allegedly tipped off the target.

It might not have been the first time the cop had served as an informant to his informants. In 2000 Connolly was charged with leaking information that led to the murders of two men, a lower-level snitch in 1976 and a potential witness in 1982. The jury found him innocent, but Flemmi, who confessed in October to both murders and eight others, now says Connolly was guilty as charged.

As for Rico, when he left the FBI he became head of security for a company that sponsored jai alai games—and employed both Bulger and Flemmi. When Wheeler purchased the business and began to suspect the duo was skimming money, Rico allegedly provided Wheeler's schedule to a hit man, allowing him to be killed. (Rico denies the charges.)

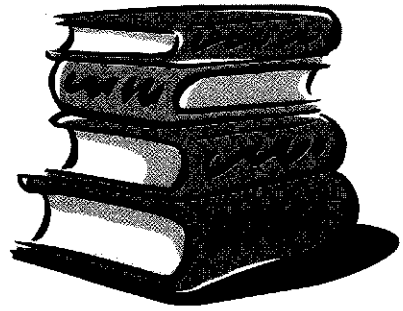
In *Black Mass*, reporters Dick Lehr and Gerard O'Neill's book on the case, Bulger tells agents, "We're all good guys. You're the good good guys. We're the bad good guys." It's no surprise that a mobster might have a hard time telling good from evil, but it's a bit more alarming when policemen run into the same trouble.

'Essential' literature goes nobrow

Barbarians Inside the Gates

Charles Paul Freund

WHAT DOES A list of the "100 greatest novels of all time" look like in the post-middlebrow age? Britain's *Observer* assembled such a list in October, mixing exemplars of the traditional great-lit canon (Cervantes, Kafka, Proust, Joyce, Tolstoy, Dostoevsky, etc.) with works by such "popular" authors as John Buchan, John le Carré, Raymond Chandler, J.R.R. Tolkien, and Alexander Dumas. Even James Ellroy's *L.A. Confidential* made the list. The paper called its »



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Balance Sheet

Jeff A. Taylor

Base Motivation

Defense Secretary Donald Rumsfeld wants to close about one-quarter of the nation's 425 military bases. Army bases without quick-deployment forces are almost certain to be shut down.

J-Lo Blow

When Jennifer Lopez asks Miami police officers to "donate" their time to her celebrity security bubble, the city balks, noting "there are a lot of people with money here. They have to hire off-duty officers like everyone else."

Gift Receipts

In fiscal year 2003 total federal revenue as a percentage of GDP falls below 17 percent for the first time since 1959. Of course, big deficits and a weak economy help explain the fall, but a smaller slice of pie for the feds still means more in the private sector.

Magic Memo

A federal judge in Houston tosses a 20-year-old arms smuggling conviction because a CIA memo was kept from the defense. Judge Lynn Hughes notes that even in national security cases, due process "requires personal and institutional integrity."

Zoned Out

Voters in Williamstown, Vermont, overwhelmingly reject a plan to introduce zoning restrictions for the town. How many other jurisdictions would ditch zoning were it put to a vote?

Cash Crop

A Purdue University survey finds that, regardless of age or income level, consumers will pay more for genetically modified foods if they believe the foods provide more nutrients or other benefits.

Shot Through

A study of 140,000 kids published in *Pediatrics* finds no links between childhood vaccinations and autism. That won't deter the cottage industry that's sprung up to convince parents otherwise.

Crabby Padding

Crabbers in six states split a $5 million pot Congress set aside for them. Depending on whom you talk to, either bad weather or foreign competition justifies the bailout.

Briefly Noted

President George Bush explains he gets his news with a "glance at the headlines," skipping the stories because "there's opinions mixed in with news." This is in contrast to his staff briefers, who are "objective sources" on world events.

Writer's Block

Online book hawker Amazon disables part of its search engine after the Authors Guild complains that users can get too much information for free with it.

New Hickory

Fake copies of the new, "improved" $20 bill show up in several locales, and many machines cannot recognize the new version. You can buy all the postage stamps you want with it, though.

Mopping Up

Federal immigration officers crack down on members of cleaning crews at Wal-Marts across the country. The goal is to break illegal aliens' grip on the lucrative sweeping and mopping trades.

Hidden Heat

Traffic enforcement goes undercover. Police in Maine, Maryland, California, and Florida resort to posing as traffic engineers or drivers of disabled vehicles to spring radar traps on motorists.

Fertile Question

A New York University School of Medicine doctor goes to China to try his new fertility approach rather than stay in the U.S. and comply with FDA cloning regulations.

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Data

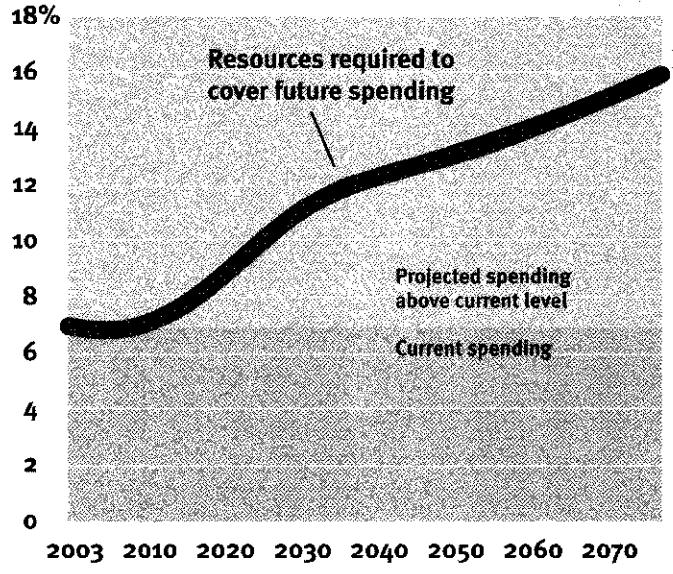
Rose-Colored Calculators

Julian Sanchez

Advocates of Medicare and Social Security reform have long complained that fuzzy accounting makes the programs appear to be more fiscally sound than they are. The trustees of both programs focus on the average actuarial balance over time, assuming that future surpluses in some years will cancel out deficits in others. On that optimistic assumption, the *average* projected actuarial imbalance over 75 years is a relatively manageable 2 percent of gross domestic product (GDP).

But as an October report by the nonpartisan Congressional Budget Office (CBO) documents, this approach is misleading. "For 2003, the trustees project a combined surplus for Social Security and Hospital Insurance of 1.94 percent of taxable payroll," the report says, "but for 2075, they project a deficit of 14.14 percent of taxable payroll." By then, the CBO projects that the two programs together will consume 16 percent of GDP, more than double the current level.

Projected Costs of Social Security and Medicare
(as percentage of GDP)



Source: Congressional Budget Office

› choices "a catalogue of just a hundred 'essential' titles."

Lists of the greatest-ever books have a long pedigree. Under the middlebrow reign of the 20th century, cultural consumers yielded power to elite gatekeepers in exchange for the status to be gained by becoming "well rounded." That deal, however, is over: Cultural choices are increasingly personal, not social. It shouldn't be surprising that the *Observer*'s list is about pleasure, not status. Under their choices, the editors asked readers, "Who did we miss?" Not exactly the voice of Matthew Arnold.

States eye Internet sales

Fund Transfer Protocol

Julian Sanchez

THE PRINCIPLES OF federalism embodied in the Constitution are more than a vital check on overweening power; they're a great source of online discounts.

Because Congress has power over interstate commerce, the courts have thus far ruled that a state cannot require businesses that lack a physical "nexus" in the state to collect sales taxes, meaning goods bought online are, for practical purposes, tax free. All that may change under the Streamlined Sales and Use Tax Act, versions of which have been introduced in both the House and Senate, which would empower states to create a compact—already being formed—establishing common rules for reciprocal tax collection and remittance.

In an October editorial, *The Wall Street Journal* suggested that such an agreement might give rise to a national sales tax. That, says Cato Institute Director of Telecommunication Studies Adam Thierer, could undermine healthy tax competition between states. If Internet sales are to be taxed, suggests Thierer, states should adopt a uniform rule of taxing goods at the point of origin, rather than enforcing a single rate or taxing in the state where goods are consumed.

Competitive negligence

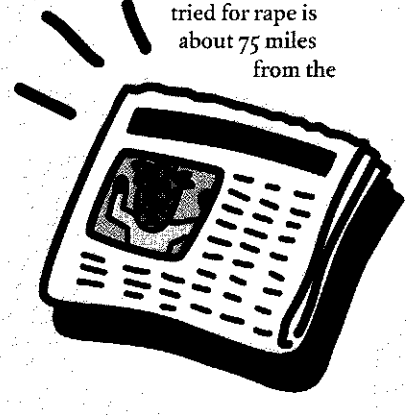
The No-Kobe Zone

Matt Welch

IN OCTOBER, THE *Aspen Daily News* announced with great haughtiness that it was no longer going to participate in the journalistic frenzy of the nearby Kobe Bryant trial. The Colorado paper sniffed that "there are stories out there that need to be told—stories about people, stories about politics, stories about science, stories about education—stories that could really make a difference in people's lives."

At first blush, the *News*' stance seemed like yet another case of an uptight, monopolistic daily newspaper refusing to give the people what they want. In actuality, it was a great publicity stunt in a surprisingly competitive two-newspaper market. "I guess you're familiar with Andy Kaufman and all of that," *Daily News* Editor Rick Carroll says with a chuckle.

The Eagle County, Colorado, courthouse where the Lakers swingman is being tried for rape is about 75 miles from the



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famous, star-studded ski resort. "We'd been running A.P. coverage every day for a while," Carroll explains, "and then we just decided one night in a moment of clarity, 'Screw this.'"

The 12,500-circulation *Daily News* gets by with just two full-time reporters and two editors who write a lot of copy. After the paper's announcement—which came on October 9, the day of Kobe's pre-trial hearing—half the staff could be found defending their decision on Fox News or in the pages of the *Los Angeles Times*. In a clever twist, the paper's owner, Dave Danforth, publicly criticized the move in a column and in various interviews, accusing his employees of practicing "Groundhog Day" news judgment: poking their heads up and reacting to the media scene around them, instead of covering nearby news of international interest.

"I object to the editorial's rationale that we are no longer covering anything that attracts too many journalists, which would also mean we are no longer covering Arnold Schwarzenegger or the World Series," Danforth wrote to his staff. But if reaction to the stunt is any indicator, the owner might change his mind.

"We've had about 10 or 15 people who want to subscribe to our paper now who don't live here," Carroll says with a laugh. "I mean I think they're gonna get a little bored reading about the Aspen budget and ski stories and court activity around here, but we'll send them a copy I guess." ▯

Raw Deal

Julian Sanchez

Jim Powell

Franklin Delano Roosevelt is widely credited with saving America from economic ruin. But Jim Powell's new book, *FDR's Folly: How Roosevelt and His New Deal Prolonged the Great Depression* (Crown Forum), promises to send FDR's inflated reputation crashing like a stock on Black Monday. Powell, a Cato Institute senior fellow and editor of Laissez Faire Books, is also the author of *The Triumph of Liberty* (Free Press, 2000). Assistant Editor Julian Sanchez interviewed him in October.

Q: Why do you argue that the New Deal made the Great Depression worse?

A: Roosevelt made it more expensive for employers to hire people; he made it harder for employers to raise capital, and tripled federal tax revenues. The securities and exchange regulations shut down capital markets for the better part of a year while the lawyers figured out what they meant. The strongest banks were broken up. Labor laws empowered monopoly unions, which were very anti-black at the time. Starting with the National Industrial Recovery Act, the New Deal kept everything more expensive. FDR forced up food prices. Big landowners benefited, since they were being paid not to farm. Black sharecroppers lost out big time because they depended on the work. If you run through the policies now, they sound totally loony tunes.

New Deal spending wasn't targeted at poverty: The poorest part of the country then was the South, but 10 times more money per capita was spent in Western and Eastern states. The bulk of the spending went to states where the presidential vote had been close in 1932.

Q: Taxation and regulation have increased since the '30s; why have we done so well since?

A: An economy can adapt to a bad policy here and there. Capital will flow from more regulated lines of business to less regulated ones, creating new jobs that at least partially compensate for jobs destroyed by regulations. A bad policy here and there will slow an economy down; the succession of bad policies during the 1930s knocked it down and kept it down. Europe is a good example of New Deal–style programs taken further. They've had double-digit unemployment rates for years now.

Q: Why the disconnect between FDR's reputation and the reality?

A: Political historians focus on political events—personalities, fireside chats, elections, and court packing. They've given FDR a good deal of credit for his good *intentions*. Evidence about the *consequences* of his policy has been accumulating in economics journals, which historians don't necessarily read. My book is an attempt to start a public debate about the evidence that's been building for the last 40 years.

Hemp food ban

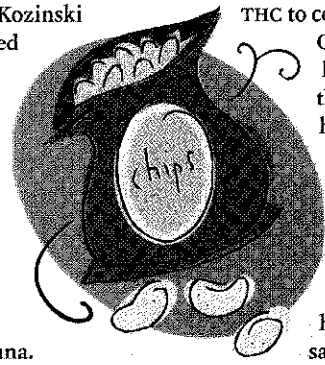
Seed Case

Jacob Sullum

First the Drug Enforcement Administration tried to ban hemp foods by claiming they've been illegal for three decades; it's just that no one (including the DEA) noticed until recently. In June the U.S. Court of Appeals for the 9th Circuit rejected that gambit, forcing the DEA to issue new regulations, complete with a public comment period, instead of trying to sneak by with a mere "interpretive rule."

Now those regulations are before the 9th Circuit, which heard oral arguments for and against them in September. The DEA's attorney, Daniel Dormont, did not get off to a promising start, struggling to explain why the DEA wants to stop people from eating products such as Hemp Plus Granola and Nutiva Hemp Chips, which may contain tiny traces of marijuana's main active ingredient, tetrahydrocannabinol (THC), but not enough to get anyone high or even to trigger a drug test.

Judge Alex Kozinski repeatedly called Dormont's attention to the language of the Controlled Substances Act, which specifically exempts hemp seed from the ban on marijuana.



"Hasn't the agency...nullified this sentence in the statute by modifying the definition of THC to cover exactly what Congress exempted?" he asked. Noting that poppy seeds, like hemp seeds, contain trace amounts of controlled substances, Kozinski had another question for Dormont: "Can you tell me how you are going to save the bagel?" ▯

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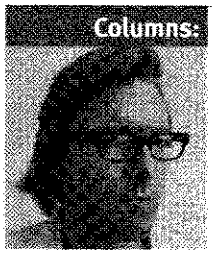

If You Build It, They Will Leave

Sports teams fleece the taxpayer, again.

ON THE SAME day the Florida Marlins paraded through Miami to celebrate their second World Series championship in six years, politicians from Miami-Dade County swallowed the young baseball team's corporate welfare bait.

County Mayor Alex Penelas and Manager George Burgess announced they were offering a whopping $73 million in bed tax revenue, plus a parcel of free land, to help build a new $325 million baseball-only retractable-roof stadium that the lucrative franchise desperately wants. (The Marlins' owners are unwilling to shell out more than $137 million for the venue.)

Baseball Commissioner Bud Selig, who as owner of the wretched Milwaukee Brewers wheedled more than $600 million from Wisconsin taxpayers to build the two-year-old Miller Park, immediately issued a statement that he was "extremely pleased and excited that the Florida Marlins have been able to transform their success, both on and off the field, to...significant movement toward the possibility of building a new ballpark in South Florida."

Selig has ample reason to be extremely pleased. He has made an art form out of fleecing taxpayers for billions of dollars. Like any successful con, the commish has learned the power of looking straight into the cameras and repeating, over and over again, the same easily disproved lie: that the baseball industry is suffering terribly and needs public handouts just to stay afloat.

Every year, *Forbes* publishes new estimates of baseball revenue that make a mockery out of Selig's claims of poverty. The magazine's valuations, on average, are $50 million higher than what the teams themselves report. The teams increased in value, on average, by 171 percent from 1992 to 2002, according to calculations by *Forbes*' Michael Ozanian.

In fact, the industry's sustained boom is due in no small part to municipalities' foolish willingness to pay for the construction of fancy new stadiums, dish out various tax breaks, and generally act like landlords terrified that their lone tenant might find a better deal across the street.

"Public subsidies pad the bottom lines of team owners and boost player salaries while offering no real economic benefit to the cities involved," the economist Raymond Keating wrote in a widely cited 1999 Cato Institute report on the "costly relationship" between major league sports and government. "They provide another example of government action whereby the few and the influential benefit at the cost of the many."

The Marlins in particular have perfected the gold-throated beg. The team's original owner, Blockbuster Video magnate Wayne Huizenga, convinced Miami-Dade to pay for nearly $30 million in road and utility upgrades around Pro Player Stadium before he brought baseball to South Florida. He also wangled an annual $2 million sales tax rebate for the next 30 years, which remains in effect for other business interests even though he's long since sold the team. Yet this wasn't enough—he wanted a new publicly funded stadium, even though Pro Player, which also houses the Miami Dolphins, was built as recently as 1987 (with the help of $85 million in city-backed tax-exempt bonds).

Like Selig, Huizenga pleaded poverty, he blatantly lied about his finances, and when the locals failed to reward his 1997 World Championship with the ballpark of his dreams, he

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engaged in what baseball economist Andrew Zimbalist has called "the most radical fire sale of players in baseball history," leading to a disastrous 54-108 record. He then sold the Marlins for a $65 million profit after just five years, in a deal that gave him incredibly favorable terms: 100 percent ownership of Pro Player, a hefty annual rent, and huge chunks of parking and concession receipts.

Huizenga's emotional blackmail of sports-mad taxpayers has hardly been limited to baseball. In 1996 he convinced Broward County to cough up $185 million to build the National Car Rental Center for the Florida Panthers, his National Hockey League team. The county and the team were supposed to divvy up arena profits 20/80, but after the first five years the Panthers had pocketed $53.7 million and Broward just $331,206, according to columnist Michael Mayo of the South Florida *Sun-Sentinel*.

Worse, the arena's most recent audit, by Deloitte & Touche, warned that "certain factors exist that may indicate that [the Panthers] will be unable to continue as a going concern for a reasonable period of time." Broward could soon find itself owning, and servicing the debt on, an empty hockey arena.

This is just a tiny part of the overall sports pork racket. As Keating estimated, "During the 20th century, more than $20 billion has been spent on major league ballparks, stadiums, and arenas. This includes a *minimum* of $14.7 billion in government subsidies that has gone to the four major league sports...including more than $5.2 billion just since 1989." Further, "These numbers...exclude the billions of dollars in subsidies provided through the use of tax-free municipal bonds, interest paid on debt, lost property and other tax revenues not paid on facilities, taxpayer dollars placed at risk of being lost if the venture failed, direct government grants to teams, and the billions of dollars spent by taxpayers on minor league facilities."

The money quote from baseball's most nauseating bit of self-mythology, the 1989 Kevin Costner vehicle *Field of Dreams*, was, "If you build it, they will come." Like much of the national pastime's lore, the truth is actually much closer to the opposite: Build a stadium with tax money, and they will eventually leave.

"Public subsidies," notes the economist Raymond Keating, "provide another example of government action whereby the few and the influential benefit at the cost of the many."

The most recent example of this phenomenon was the October sale of the Triple-A Edmonton Trappers franchise to a Texas group headed by Hall of Fame pitcher Nolan Ryan. The team moved even though Canadian taxpayers paid for half the construction costs of the Trappers' Telus Field in 1995—and even though Edmonton held a 15-year lease.

Keating made the obvious but infrequently stated point in a March 2000 article for *USA Today* magazine: "Another major downside to government-built and -owned ballparks is that clubs are transformed from owners to renters. It is always easier for a renter to move to get a better deal. So, government officials who advocate taxpayer-funded sports facilities to attract or keep a team virtually ensure that teams will continue issuing threats and moving."

Here's a different approach: Tax-funded entities should immediately begin selling off all their sports venues. Why on earth should two-thirds of Major League Baseball parks be fully or partly owned by governments? San Francisco's glorious Pac Bell Park was the first privately financed stadium to be built since 1962; not coincidentally, it generates the most revenue in baseball. Private owners are far more likely to upgrade facilities, seek creative revenue-generating schemes, and stay put in their host cities.

A fire sale of stadiums and arenas would bring some much-needed revenue for cash-strapped cities and counties, even in the long term (in the form of future sales and property taxes, which frequently go uncollected on municipally owned properties). The city of Los Angeles, for example, projects a $180 million deficit in the next fiscal year, yet it continues to co-own and operate the nearly vacant Memorial Coliseum and Sports Arena while failing to fill the two-foot potholes in the street in front of my house.

Once cities get in the habit of disconnecting taxpayer monies from professional sports franchises, future subsidies will be all that much harder to justify, and the Bud Seligs of the world will have to go back to making money the old-fashioned way: by earning it. ▪

Matt Welch (mwelch@reason.com) is a **reason** *associate editor.*

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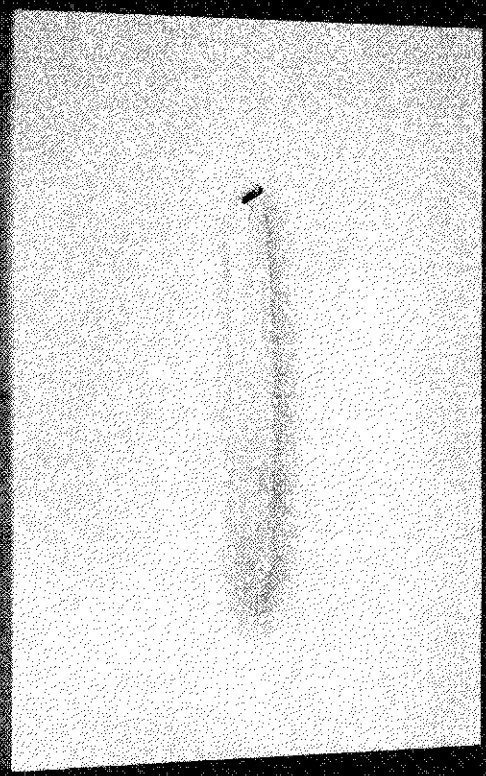

In ***Saying Yes***, Jacob Sullum of *Reason* argues that illegal drug use should be viewed the same way as drinking, with an emphasis on temperance rather than abstinence. Sullum rejects the idea that there is something inherently wrong with using chemicals to alter one's mood or mind. He uses compelling stories about real people to illustrate the point that there is such a thing as responsible drug use.

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Kobe's Rights

Rape, justice, and double standards

KOBE BRYANT'S ALLEGED sexual assault has generated the usual media circus that follows criminal charges against professional athletes, especially for sex crimes. But even with all its tawdry details, the case raises some serious issues about the way the justice system treats rape complainants and defendants.

Bryant, the 25-year-old Los Angeles Lakers guard, is accused of assaulting an 18-year-old woman who was working as a concierge at a Colorado resort where he was staying in June 2003. Bryant, who is married, has admitted to having sexual intercourse with the woman but claims it was consensual; his accuser says he gripped her by the neck and forced her to have sex despite her protests. In October, Eagle County Judge Frederick Gannett ordered Bryant to stand trial even while noting that the evidence presented by the prosecution was weak.

The defense tactics have been widely assailed by feminists, victim advocates, and other commentators as a sleazy exercise in victim trashing—particularly after an October 10 open court hearing in which lead Bryant attorney Pamela Mackey repeatedly mentioned the alleged victim's name despite the judge's ban on its public disclosure and suggested that the woman had had sexual relations with several other men in the days before her encounter with Bryant.

A typical reaction came from Cynthia Stone, an activist with the Colorado Coalition Against Sexual Assault: "Trying to shift the blame is a standard tactic for rape defendants, but this was a new low in attacking the victim." Earlier, the defense team had come under fire for trying to obtain the young woman's mental health records. (Colorado laws will probably prevent them from doing so.)

The spectacle of a young woman coming forward to bring rape charges against a wealthy, powerful man and being smeared with what feminist legal theorist Susan Estrich once dubbed a "nuts and sluts" defense is disturbing on a visceral level, and not just to feminists. But if Bryant is innocent—which is a presumption accorded to him in a court of law, and which in this case may well be true—it should be equally disturbing to think that a man accused of a despicable crime, one that potentially carries a sentence of life in prison, could have his hands tied when he tries to defend himself.

Take the issue of the complainant's therapy records—something that former Colorado prosecutor Amy Hitch, who successfully argued for excluding such evidence before the Colorado Court of Appeals, says should be brought into a rape case only if the prosecution makes an issue of it first. The desire to protect a victim's privacy is more than understandable, particularly in a sexual assault case. But what if a woman who says she was raped has a history of mental instability that could be relevant to the credibility of her accusations?

In 1991 similar issues were raised in a Maryland case involving charges of rape against a realtor named Gary Hart (no relation to the politician). His accuser, a 34-year-old cocktail waitress, claimed that they had been dating platonically and that she was staying at his house overnight when he brutally attacked her (although there was no evidence of the struggle she described). According to Hart, they had been sexually involved and the woman got angry when he told her he was going on a trip without her.

Hart was acquitted after a controversial trial in which the defense stressed the woman's

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emotional instability, her tendency to react to rejection with sometimes violent rage, and her history of making fantastic claims of sexual assault to police and to psychiatrists.

The relevance of this evidence seems obvious. Yet prosecutors and victim advocates reacted as if the woman had been subjected to a gratuitous, vicious character attack. A letter in the Baltimore *Sun* complained that even if the alleged victim was not raped, she suffered "a brutal form of abuse... inside the courtroom." Yet if Hart was actually innocent, he was subjected to far worse abuse. Not only was he put on trial, but his name, unlike that of his accuser, was all over the papers; the negative publicity forced him to sell his business.

Hart, at least, was acquitted. In the same year, James Everett of Liggett, Washington, was convicted of raping a woman he had met through a dating service. He spent a year in prison before her story fell apart—partly because she reported an eerily similar man from the same dating service (who was exonerated) but also because Liggett was able to hire a private detective who found out that she had a history of mentally unstable behavior, including dubious claims of rape.

In Oregon, James Anderson was accused in 1989 of raping a fellow patient at a substance abuse clinic. He subsequently served a prison term. Anderson may or may not have been innocent, as he claims; but the case against him was based solely on the woman's testimony, and her serious credibility problems were kept out of the courtroom by the judge's application of the rape shield law.

While the prosecution said the woman failed to tell clinic staffers about the alleged rape because she was reluctant to discuss such "intimate details" with them, the suppressed records showed that the day before the incident, she had talked to the same counselors about an earlier rape and sexual abuse by her brother. Moreover, she had given several different and contradictory accounts of her supposed earlier victimization.

Courts in Iowa, Pennsylvania, Washington, and other states have ruled that evidence of an earlier false or dubious rape complaint by the accuser can be suppressed in a rape trial—even if it is relevant to the question of the defendant's guilt or innocence.

If Kobe Bryant is innocent it should be disturbing to think that a man accused of a despicable crime could have his hands tied when he tries to defend himself.

Even excluding all evidence of the woman's past sexual activity may not be the cut-and-dried issue it seems at first glance. In the Kobe Bryant case, for instance, the defense attorney's much-criticized claim that Bryant's accuser had very recently had sexual relations with two other men appears to have been corroborated by physical evidence.

Obviously, this does not mean (as the courts often assumed in the bad old days) that she must have been willing to have sex with Bryant as well, or that she was "asking for it." But it could provide an alternate explanation for the trauma to the woman's genitals found by the medical exam. Thus, in fairness to the defendant, it should be admissible.

Ironically, as Estrich noted in 1991, the greater willingness of prosecutors to pursue sexual assault cases in which the use of force is minimal and there is little corroborating evidence of injury makes the issue of the woman's credibility much more important, and thus gives the defense a greater incentive for attacks on her character. The courts have to walk a fine line between allowing complainants to be smeared and preventing defendants from fully confronting the witnesses against them.

For some feminists, of course, there is only one side to this issue. After the 1997 trial of sportscaster Marv Albert, defending the judge's decision to admit compromising information about Albert's sexual past but not about his accuser's, feminist attorney Gloria Allred decried "the notion that there's some sort of moral equivalency between the defendant and the victim."

Yet as long as the defendant hasn't been convicted, he and the alleged victim are indeed moral equals in the eyes of the law. ▯

Contributing Editor Cathy Young (cathyyoung2@cs.com) is a columnist for The Boston Globe and author of Ceasefire! Why Women and Men Must Join Forces to Achieve True Equality (Free Press).

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The Impossible Stream

The war on DVD users

WADING THROUGH A dozen ads before I even reach the menu screen of the new *Lion King* DVD, preschoolers screaming all the way, I vowed to throttle Disney capo Michael Eisner.

Foolish me. Little did I know that the guy I really want is James H. Billington, the man who will soon make DVD remotes as impotent as Bob Dole sans Viagra.

Billington is the librarian of the Library of Congress, and our utterly unhinged copyright laws have designated him the government DVD czar. When his office ruled in October that there is no reason to let DVD players "evade" the way disc makers want their ads to run, the decision joined the oozing trail of spoor left behind 1998's Digital Millennium Copyright Act.

Couple those DMCA-spawned regs with rampant Big Media bootlicking from the Federal Communications Commission, and you won't see digital video headed down a consumer-friendly path. In contrast to digital audio, which music fans with computers can rip-mix-burn at will, digital video is fast becoming trapped in a set of proprietary boxes that make it almost impossible for the paying customer to manipulate the content at all. Unskippable DVD ads are just the most obvious and immediate example.

As high-definition TV spreads across the land, consumers will encounter a new port, dubbed *digital video interface*, on the backs of their very expensive boxes. This is designed to make sure you have the proper authorization to play digital content. The all-digital DVI stream avoids any conversion to analog, which can degrade the signal. A better signal is clearly a plus for consumers, but it comes with built-in restrictions for end users.

As in the music industry, the goal isn't to defeat piracy so much as it is to defend a distribution model. Just as record companies rely on bundling 10 crappy songs with one good one, movie studios depend on when and where a disc can be played to boost profits.

Disney—them again—is great at releasing a title for a "limited time" in order to gin up sales. But all studios rely on the region code system to keep certain discs from playing on certain players, leaving film fans wondering why they cannot buy what they want to buy. The best example of a selective, albeit analog, release is Disney's (sorry) *Song of the South*. Long judged too racially backward for residents of the USA, *Song* nonetheless is zip-a-doo-da-dandy video entertainment for Europeans and Asians. So dangerous is this film that it has never even been released on DVD.

The Motion Picture Association of America is so set on retaining this system that it intends for government decrees to rope off home entertainment equipment from personal computers, consumer interests be damned. The big content providers among the studios and production houses actually threatened to withhold digital programming from audiences unless the FCC approved a new restriction on the transmission of digital video. Incredibly, the FCC caved to this temper tantrum in November, when it mandated that hardware makers, including manufacturers of personal computers, were required to build in equipment that will recognize broadcast "flags."

So beginning in July 2005 consumers can look forward to more expensive equipment that will not work with older equipment or media, and that explicitly reverses a trend toward the melding of computers with old-timey "stereo" equipment. As **reason** Contributing Editor Mike Godwin told *PC World*, "It's clear the scheme is fundamentally flawed." Yet we are stuck with it.

And so the open system of the PC, with a high degree of user control and futzability, is bypassed by government fiat. In its place we get a system that assumes viewers are thieves and movie producers are victims.

That sounds exactly backwards. ■

Jeff A. Taylor (jtaylor@reason.com) writes reason express, a weekly news commentary for **reason online** *(www.reason.com).*

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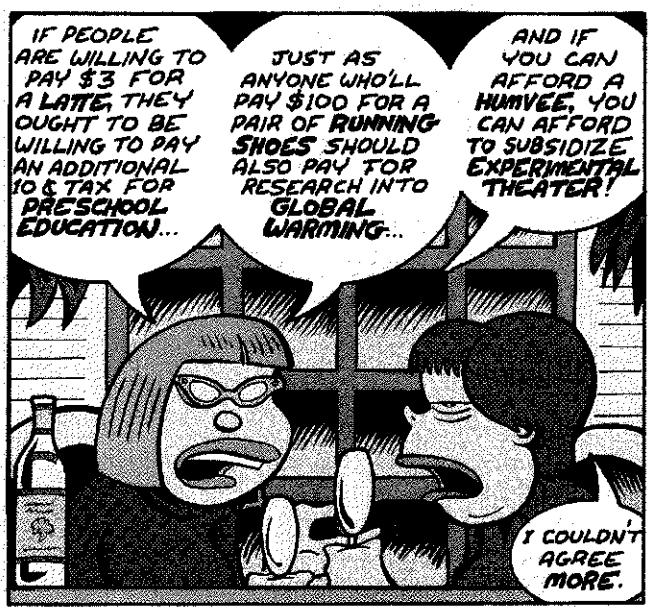
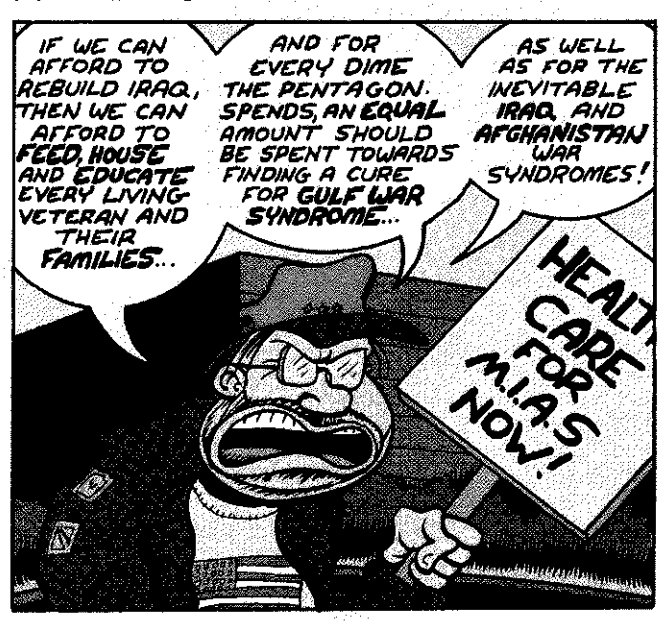
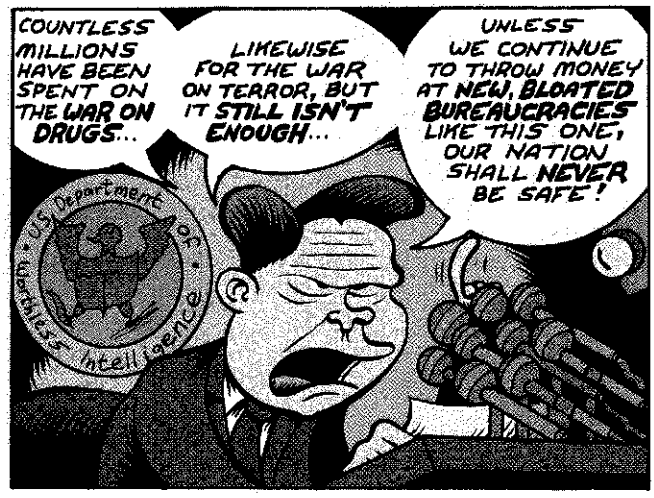
"...OR DON'T YOU CARE?"

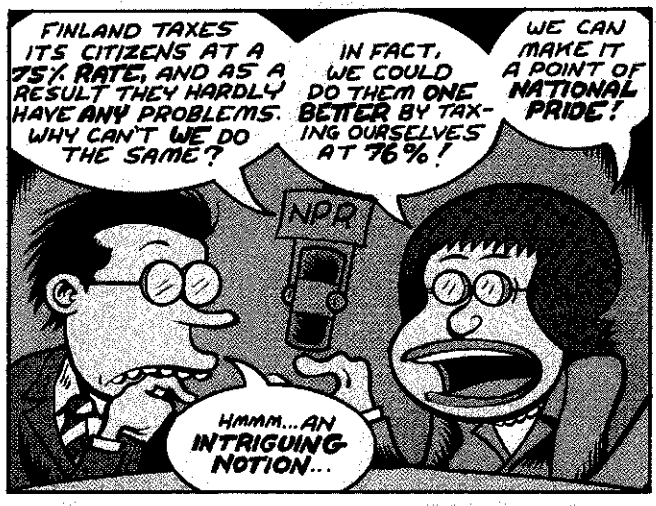
LOGICAL PROPOSALS FOR TAXING AWAY ALL OF SOCIETY'S ILLS

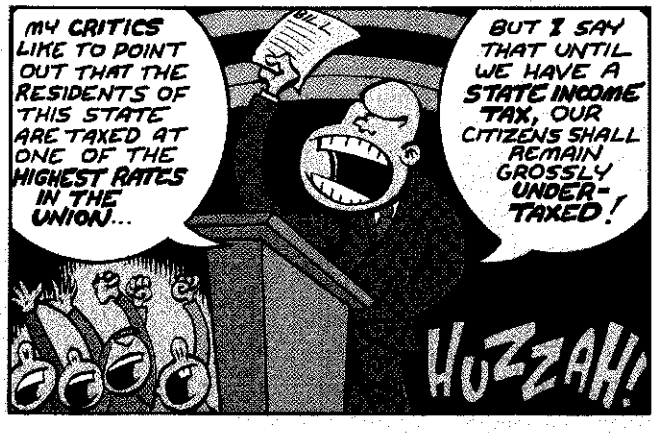
PETERBAGGE@EARTHLINK.NET


IF PEOPLE ARE WILLING TO PAY $3 FOR A LATTE, THEY OUGHT TO BE WILLING TO PAY AN ADDITIONAL 10¢ TAX FOR PRESCHOOL EDUCATION...
JUST AS ANYONE WHO'LL PAY $100 FOR A PAIR OF RUNNING SHOES SHOULD ALSO PAY FOR RESEARCH INTO GLOBAL WARMING...
AND IF YOU CAN AFFORD A HUMVEE, YOU CAN AFFORD TO SUBSIDIZE EXPERIMENTAL THEATER!
I COULDN'T AGREE MORE.


IF WE CAN AFFORD TO REBUILD IRAQ, THEN WE CAN AFFORD TO FEED, HOUSE AND EDUCATE EVERY LIVING VETERAN AND THEIR FAMILIES...
AND FOR EVERY DIME THE PENTAGON SPENDS, AN EQUAL AMOUNT SHOULD BE SPENT TOWARDS FINDING A CURE FOR GULF WAR SYNDROME...
AS WELL AS FOR THE INEVITABLE IRAQ AND AFGHANISTAN WAR SYNDROMES!
HEALTH CARE FOR M.I.A.S NOW!


COUNTLESS MILLIONS HAVE BEEN SPENT ON THE WAR ON DRUGS...
LIKEWISE FOR THE WAR ON TERROR, BUT IT STILL ISN'T ENOUGH...
UNLESS WE CONTINUE TO THROW MONEY AT NEW, BLOATED BUREAUCRACIES LIKE THIS ONE, OUR NATION SHALL NEVER BE SAFE!
U.S. Department of Earthly Intelligence


FINLAND TAXES ITS CITIZENS AT A 75% RATE, AND AS A RESULT THEY HARDLY HAVE ANY PROBLEMS. WHY CAN'T WE DO THE SAME?
IN FACT, WE COULD DO THEM ONE BETTER BY TAXING OURSELVES AT 76%!
WE CAN MAKE IT A POINT OF NATIONAL PRIDE!
NPR
HMMM...AN INTRIGUING NOTION...


MY CRITICS LIKE TO POINT OUT THAT THE RESIDENTS OF THIS STATE ARE TAXED AT ONE OF THE HIGHEST RATES IN THE UNION...
BUT I SAY THAT UNTIL WE HAVE A STATE INCOME TAX, OUR CITIZENS SHALL REMAIN GROSSLY UNDER-TAXED!
HUZZAH!

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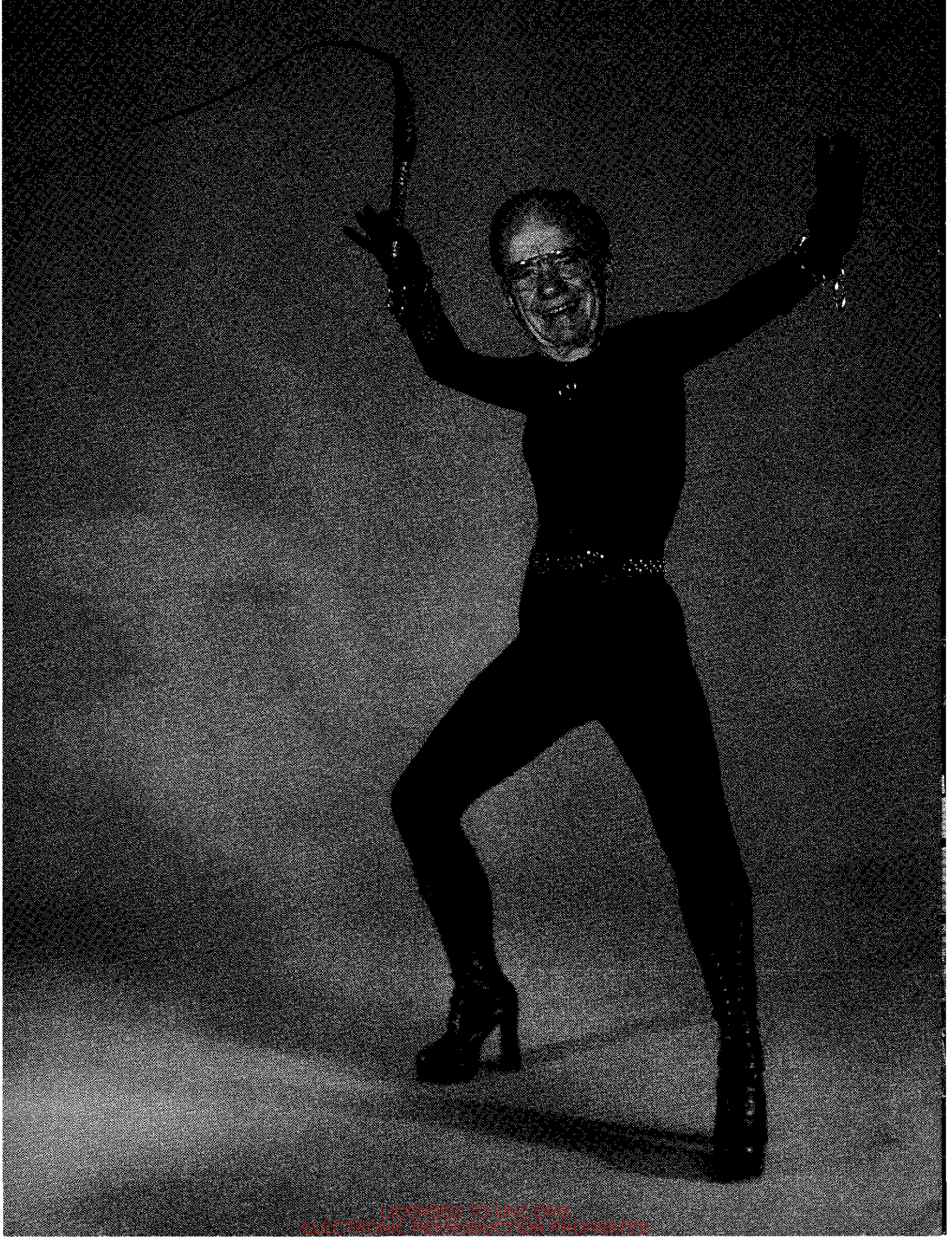

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Domination Fantasies

Does Rupert Murdoch control the media? Does anyone?

Ben Compaine

A COLLEGE PRESIDENT once told me, "I've never seen a pancake so thin it didn't have two sides." The hype and noise surrounding the Federal Communications Commission's proposed relaxation of broadcast outlet ownership rules have made the perennial debate over media concentration seem like a one-sided pancake: No right-thinking person is in favor of more media consolidation.

Yet the FCC has research, technology, and economics on its side, while its critics rely on emotion, utopian visions, and anecdotes. Unfortunately for sound policy making, the hysteria has swept along many lawmakers, who are either pandering to uninformed voters or being poorly advised by their own staffs.

Last June the FCC proposed rules easing some of its longstanding regulations. Most controversially, under prodding from several federal court decisions, it raised the maximum national audience size a single television broadcaster would be allowed to reach from 35 percent to 45 percent, while liberalizing restrictions on common ownership of newspapers and TV stations in a single local market. Sen. Byron L. Dorgan (D-N.D.) led the fight against the FCC's new rules, sponsoring a resolution to combat "galloping concentration" in the media.

The first problem with the anti-FCC activists is that their basic premise is false. The media industry is not, as a matter of fact, highly concentrated. Moreover, it has not become substantially more concentrated during the last decade or so, despite repeated warnings to the contrary. Most important, there is no compelling evidence that the current level of media concentration has had negative consequences for consumers, culture, or democracy.

Like blind men trying to describe an elephant by touching only a leg or a trunk, critics of media concentration are each touching different parts of a complex beast and proclaiming to know its true, malevolent nature. They tend to focus on one of three main concerns: economic power, cultural power, and political power. Each of these fears is overblown.

The Monopoly That Isn't

Overall, the media industry—including broadcasters, newspapers, magazines, book publishers, music labels, cable networks, film and television producers, Internet-based information providers, and so on—is not substantially more concentrated than it was 10 or 15 years ago. Even after a period of mild deregulation and high-pro-

Rupert Murdoch, © Orjan Ellingvag/Dagens Naringsliv, © Getty Images

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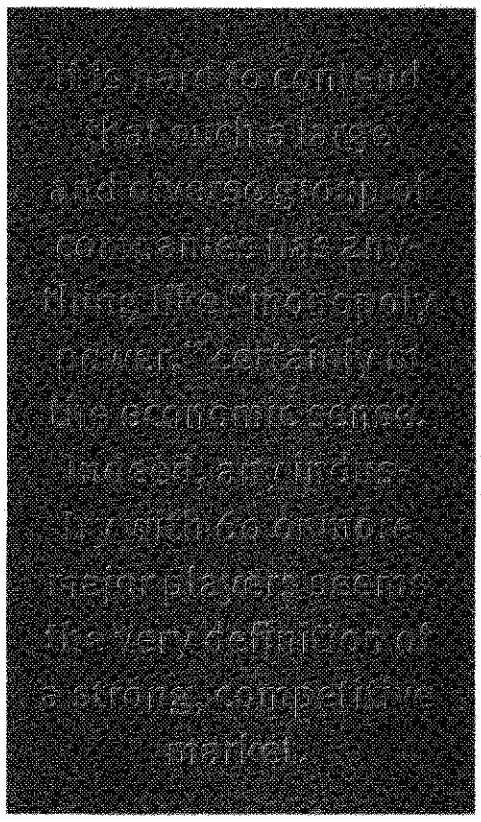
file mergers, the top 10 U.S. media companies own only a slightly bigger piece of the overall media pie than the top 10 of two decades ago. In my book *Who Owns the Media?*, I compiled data showing that the top 10 media companies accounted for 38 percent of total revenue in the mid-1980s, and 41 percent in the late 1990s. As important, the lists are not filled with the same companies. Meanwhile, the rest of the media universe has continued to expand and diversify: There are more magazine and book publishers than ever, and new categories of vibrant media that were inconceivable just a decade or two ago.



The general assumption is that fewer and larger companies are controlling more and more of what we see, hear, and read. Certainly a casual scanning of the headlines lends evidence: Time merges with Warner, buys CNN, and then combines with America Online. But the incremental growth of smaller companies from the bottom up does not attract the same attention. Break-ups and divestitures do not generally get front-page treatment, nor does the arrival of new players or the shrinkage of old ones.

Right now, the 50 largest media companies account for little more of total U.S. media revenue than they did in 1986. Back then, for example, CBS was the largest media company in the country, with sizable interests in broadcasting, magazines, and book publishing. In the following decade it sold off its magazines, divested its book publishing, and was not even among the 10 largest American media companies by the time it agreed to be acquired by Viacom in 1999. Conversely, Bertelsmann, though a major player in Germany in 1986, was barely visible in the United States. Ten years later, it was the third-largest media company in America. Upstarts such as Amazon.com, Books-A-Million, Comcast, and C-Net were nowhere to be found on a list of the largest media companies in 1986. Others, such as Allied Artists, Macmillan, and Playboy Enterprises, either folded or grew so slowly they fell out of the top ranks. It is a dynamic industry.

In 1986, I employed a widely-used measure of economic concentration called the Herfindahl-Hirschmann Index (HHI), to assess the 50 largest American media industry players. In the HHI a score of 10,000 means a total monopoly. Anything above 1,800 indicates a highly concentrated market; 1,000 represents the bottom range of oligopolistic tendencies (meaning the major companies have some capability to limit price competition and perhaps indirectly constrain the range of content diversity), while any score under 1,000 reveals a competitive market. In 1997, the index for media companies stood at 268. This was up some from 206 in 1986, but hardly what you'd expect given fears of concentration. Skeptics would point out that 1997 was before AOL and Time Warner or CBS and Viacom merged, but it was also before magazine publisher Ziff-Davis broke itself up or Thomson, once the owner of more newspapers than any other company in North America, sold off most of its holdings to several established as well as newer players. Competitiveness in media compares favorably to other industries: The 1997 HHI for American motor vehicles was 2,506; for semiconductors, 1,080; and for pharmaceuticals, 446.

Much of the best-known merger activity has been more like rearranging the industry furniture: In the last 15 years, the American owners of MCA and its Universal Pictures subsidiary sold out to the Japanese firm Matsushita, who then sold Universal to Seagram's (Canada), who sold it to Vivendi (France), which is selling parts of it to General Electric's NBC. But at the same time Vivendi sold textbook publisher Houghton-Mifflin to a private investment group, and it did not include its Universal Music Group in the NBC sale. There is an ebb as well as flow, even among the largest media companies.

With all this fluidity, it is strange to read in the 1992 edition of Ben Bagdikian's influential book *The Media Monopoly* that our primary concern should be about "concentrated control" by "fifty corporations." *Monopoly* means exclusive control by one company. An *oligopoly* could involve two or three or four. In a 2001 online debate with me, academic critic and anti-consolidation activist Robert McChesney wrote that a top tier of seven "transnational giants—AOL Time Warner, Disney, Bertelsmann, Vivendi Universal, Sony, Viacom and News Corporation—...together own all

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the major film studios and music companies, most of the cable and satellite TV systems and stations, the U.S. television networks, much of global book publishing and much, much, more." Of course, he wrote this in 2001, before Comcast became the largest cable company. So now it's the top eight? McChesney continues that the media cabal "is rounded out by a second tier of 60–80 firms," including many based in Asia and Latin America.

It is hard to contend that such a large and diverse group of companies has anything like "monopoly power," certainly in the economic sense. Indeed, any industry with 60 or more major players (who frequently change positions, appear out of nowhere, and disappear altogether) seems the very definition of a strong, competitive market.

How Deregulation Saved Television

If the charge of media monopoly is patently false, there is a set of seemingly more plausible, yet vaguer anxieties about the control of content. The basic argument here is that consolidation of the media into fewer hands results in less diversity of substance, both in terms of political views and cultural richness. Media moguls, goes this line of thinking, can and do exert substantial political clout on issues affecting their own economic interests. Like any other interest group, they push for policies that secure or improve their positions and make it more difficult for new players to enter their field. Vertically integrated media companies will favor their own in-house production over "independent" producers. The result in each case is a supposedly diminished marketplace of ideas and cultural offerings. As Bagdikian puts it, "The American audience, having been exposed to a narrowing range of ideas over the decades, often assumes that what it sees and hears in the major media is all there is. It is no way to maintain a lively marketplace of ideas, which is to say that it is no way to maintain a democracy."

There is little doubt that major players in any given industry will try to create or influence legislation to shore up their positions. Just as steelmakers and the unions representing steelworkers lobby for tariffs and bailouts, we can expect media companies to push for policies they think will benefit them. This is certainly the case with recent changes in copyright, which have been strongly pushed by some media companies. But deregulation, when done properly, typically unleashes market forces that make it increasingly difficult for any one company to dominate an industry. And firms that grow under deregulation typically do so by expanding the range of their offerings. (As we'll see, this is the case with Fox, the bête noire of many media concentration activists.)

When it comes to the proposed FCC changes or questions about the effects of supposed media concentration, there's little indication that the public is exposed to a narrower range of ideas, perspectives, or culture. Indeed, the current flowering of offerings is in large part due to some small deregulatory steps taken by the FCC in the 1980s.

Television, the medium that arouses the most emotion in this debate, illustrates how this process has worked out during the last couple of decades. Consider the following points:

• As even a casual watcher would attest, television has become exponentially more competitive in the last two decades, populated by many new players and distribution channels. Often ignored is the fact that it took two deregulatory moves by the FCC to encourage the formation of the newer networks. When Newton Minow, chairman of the FCC under President Kennedy, made a speech in 1961 calling TV a "vast wasteland," television was synonymous with the three television broadcast networks that existed then and for another quarter of a century thereafter. Today, there are seven national broadcast networks, five of which—ABC, CBS, Fox, NBC, and the WB—have distinct ownerships. (UPN is owned by Viacom, which owns CBS; NBC has a minority interest in the PAX broadcast network.)

Breaking the logjam was News Corp.'s Fox network, which made its debut in 1986, not coincidentally the same year that the FCC increased the number of stations a single entity could own from seven to 12. This change gave News Corp. the leverage to use a core of stations it owned to launch a network. The FCC also granted a waiver from rules that prohibited the older networks from owning their programming. News Corp. had previously bought 20th Century Fox and its television production unit, providing the company a base from which to make the costly start-up of a national network more feasible. Fox showed the way for similar ventures by station-owning and content-controlling media companies to start the WB and UPN. New, competitive networks had long been the holy grail of those who criticized television programming as dull and uninventive; they were created by deregulation and market forces, which many critics (then and now) view as the enemy.

• The universal access of households to the vast channel capacity of cable and satellite or digital broadcast satellite (DBS) services has eroded the notion that "television" is synonymous with the technology of "broadcasting." (The growth of cable and, later, DBS only became possible after

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deregulatory moves of the late '70s and early '80s—moves that were staunchly opposed by the broadcast networks. Mainstays of today's content universe, such as CNN, ESPN, and HBO, among scores of others, do not rely on the UHF and VHF spectrum licenses of old-time broadcasters.) Cable is available to 97 percent of American households, and DBS is available to nearly 100 percent of the country. Today, about 90 percent of households with television sets subscribe to a multichannel service, primarily cable and DBS, which is up from about 23 percent in 1980. At the same time, the number of channels available to subscribers has grown about fivefold—from a typical system with six to 12 channels in 1981, to an average of 58 in 2001. The result has been a diversity of programming niches on cable/DBS so vast as to be unimaginable 30 years ago. Among other things, channels ranging from The History Channel to National Geographic to Biography to BBC America to Bravo have meant that the Public Broadcasting Service, originally created in 1969 as an outlet for supposedly non-commercial and culturally serious programming, has had to reinvent itself. Into the 1970s, 90 percent of the prime-time television audience was tuned in to one of the three networks. Today, the new expanded line-up of broadcast networks struggles to get 50 percent, with the rest split among the many unique cable offerings. In fact, cable programs recently have surpassed broadcast programs in prime-time ratings.

• Although a very minor portion of television content can be classified as news and information at either the network or local level, worries over diversity in this form of programming are a regular theme for the opponents of regulatory relaxation. Yet there are orders of magnitude more news and information available today than 25 years ago. Then, there were just three evening network newscasts, each lasting 30 minutes. Besides CBS' *60 Minutes*, there were only a handful of prime-time network specials. Local news, weather, and sports were, much as they are today, a quick and shallow gloss available in most television markets. Today there are three 24-hour news channels (CNN, Fox News, and MSNBC), plus the financial news channels CNBC and CNNfn. There are regional all-news channels like New England Cable News. Channels such as the History Channel and Biography Channel provide daily programming similar to the documentaries that used to be "specials" on the broadcast networks and PBS. The programming on these channels comes from many sources, including independent and freelance producers.

• There is nothing inherently better or more "diverse" about a media company buying its content from outside sources rather than from its vertically integrated production operation. The trend in recent mergers has been for distributors, i.e., broadcast networks, to align with production companies, i.e., film studios. Their decision to do so is a classic "make vs. buy" case. No one has criticized newspapers for running their own content-creation businesses, even though they could rely on freelancers and independent contractors. Some do more than others. Magazines do some of both. TV networks and local stations have long had their own in-house news operations. But a combination of business model and (for two decades) regulation kept most entertainment production out-of-house at the three older networks. Over time the combined studios/TV networks are likely to find that they were better off being able to pick and choose programming from what outsiders offered them rather than being stuck with whatever their limited in-house operations offer. The economics offer powerful incentives: To cite one of many examples, Warner Brothers Television, part of AOL Time Warner, owner of the WB and HBO television networks, produces the top-rated television show, *ER*. It could run that show on either of those in-house networks, but instead sells it to NBC, based on a cold calculation that this is the better financial decision.

• Nor should anyone assume that smaller media entities are somehow "better" in the quality or quantity of news and public affairs programming. Or even that a commonly owned newspaper and television station in the same market create a single "voice." Studies by the FCC's Media Ownership Policy Working Group found that the local television stations owned by the large broadcast networks receive awards for news excellence at three times the rate of stations owned by smaller groups, and produce nearly 25 percent more news and public affairs programming than non-network-owned affiliates. Television stations owned by enterprises that also own newspapers have higher news ratings, win more news awards, and offer more news shows than non-newspaper affiliates. And in 10 cities where the newspaper and a TV station had common ownership, half of the combinations had a similar editorial slant in the 2000 presidential election, while the other half had divergent slants.

There are other points to consider when reflecting on the variety of material and viewpoints available in what Stanford law professor and FCC critic Lawrence Lessig decries as an era "when fewer and fewer control access to media." Movie studios now derive more revenue from video cassettes and DVDs than they do from ticket sales. The relatively new formats allow smaller and specialty producers to get distribution for their exercise tapes, music videos, docu-

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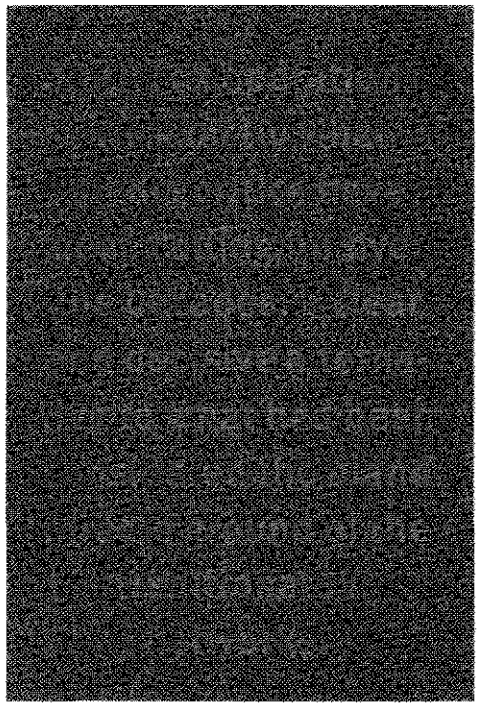
mentaries, foreign language works, and other types of content that could not get theatrical or network distribution in the good old days. With the proliferation of rental stores, chain merchants such as Best Buy and Wal-Mart, and untold thousands of e-commerce sites, audiences have far greater access than at any time in history to programming from sources other than the traditional mass audience producers.



Similarly, the Internet has proved a boon for news, information, and entertainment, whether global, national, or local. While not a direct substitute for TV (yet), the Internet boasts a historically fast adoption rate. In less than 10 years since its widespread commercial availability, about 60 percent of Americans have access to the Internet and nearly 30 percent of Internet households now have broadband connections, according to figures derived from the FCC and the National Telecommunications and Information Administration. The rapid adoption of wireless networks in homes promises further portability of Internet-based content, bringing small but serviceable video and high-quality audio to computer monitors. Studies have found that households with the highest Interest usage are shifting their time away from television viewing.

There is one last paradox regarding concerns about programming "diversity." News Corp.'s Fox Network and its cable Fox News Channel are commonly trotted out by critics as icons of what is bad about the media. For example, McChesney dismisses Fox News with the assertion that it "does virtually no journalism at all. Its profitability is based on eliminating core journalism operations as much as possible, and broadcasting far less expensive commentators like Bill O'Reilly who merely pontificate ad nauseam." Yet both Fox operations are exactly what media critics have been calling for over the decades: a clear and decisive alternative to what had been considered the bland middle ground of the traditional TV networks.

Honoring Profits

Animus against the profit motive runs deep among FCC critics and activist groups. Consider this complaint in the mission statement of the Free Press, a lobbying group founded by McChesney: "The main problem is that the structure of the media system makes socially dubious behavior...the rational outcome." One proposed scenario? "If the government gave all the publicly owned radio and TV frequencies to nonprofit groups, rather than a relative handful of huge corporations, the content of our broadcasting system would probably be radically different from what exists today."

They are almost certainly half-right. Content might well be different. But it wouldn't necessarily be better. Would nonprofits be able to pay their employees well? Would they have the capital to reinvest in equipment and technologies? Who would determine the content of their programming, and on what basis? This might work only in a Harrison Bergeron world of enforced equality, where no democracy of content was allowed, where the voice of the audience was not heard. The experience with the Public Broadcasting Service is instructive in this regard. At its best, PBS could rarely get the attention of more than 2 percent of the total TV audience. And that was when it had only three rivals. Who exactly would benefit from a model of only PBS-like programming?

Few Americans are aware that in the 1980s VCRs were bought in Western Europe at a far more rapid clip than in the U.S. The reason was that almost all of these societies at the time had the choice of only a handful of "public service" television stations, owned or controlled by the government. The VCR gave the audience the freedom to go to the new rental stores and spend some of their TV time watching entertainment they wanted, not what some elites thought would be good for them. In the U.S. we not only had more choice with the commercial networks, but with the added options provided by cable. VCRs eventually became pervasive, but with less urgency than elsewhere.

A.J. Liebling, the outspoken press critic of half a century ago, had a pragmatic insight into why the ownership structure of the media—primarily newspapers then—was a positive influence on content. In his 1947 book *The Wayward Pressman* he wrote, "The profit system, while it insures the predominant conservative coloration of our press, also guarantees that there will always be a certain amount of

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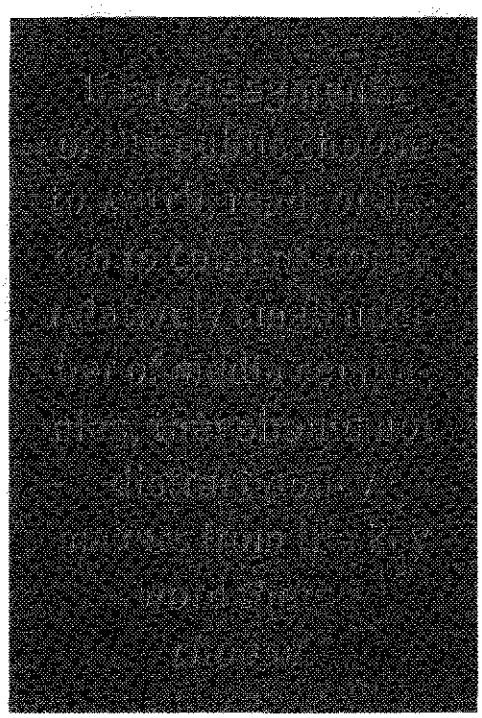
dissidence. The American press has never been monolithic, like that of an authoritarian state. One reason is that there is always money to be made in journalism by standing up for the underdog....[The underdog's] wife buys girdles and baking powder and Literary Guild selections, and the advertiser has to reach her."



At the time Liebling wrote this, the Hearst newspaper chain controlled more local circulation than any newspaper company does today. But his insights are actually more relevant today than in 1947. Profit, not ideology, means that whether one wants to focus on the 10 largest conglomerates or the 50 largest players or whatever other number, the content of the media is determined not by what the chief executive officer wants, but by what thousands of editors, producers, publishers, and local operating managers determine is right for the audience they are trying to reach.

This is one reason why big business and business executives are regularly made the villains (see *The China Syndrome*, *Broadcast News*, and *Erin Brockovich*, among many) in film and television features produced by major media companies. In many instances, the profit motive means localism prevails over centralization. It is not likely to matter much (and indeed experience shows it does not) whether a local TV station is owned by a company headquartered in another city. The decisions for much news and information need to be made locally if the owner wants to attract its share of the audience. In short, both locally and nationally owned media outlets are driven by the profit motive.

In fact, the notion that local owners of newspapers or TV and radio stations are inherently "better"—usually taken to mean more "objective"—than a large corporation has no standing in the real world. Some of the most biased newspapers in 20th-century history—McCormick's *Chicago Tribune*, Annenberg's *Philadelphia Inquirer*, Loeb's Manchester *Union-Leader*—were the creations of local ownership. Local owners are more likely than remote corporate owners to have ties to the local political and business establishment. Local owners may not have the economic resources to withstand a boycott by real estate or banking or similar interests should they risk some criticism of the local industry. Large chains, on the other hand, are far less affected economically by a short-term downturn in any one community. And it is less likely that the publisher is a prep school buddy of the mayor.

On the other extreme from local ownership, Clear Channel Communications has become the poster child for all that has gone wrong with media regulation. The Web magazine *Salon* headlines it as "Dirty Tricks and Crappy Programming." The chain owns nearly 1,200 radio stations nationally and is the dominant owner in many local markets. I am not about to defend Clear Channel's acquisitions or its policies, but the other side of the pancake has received little attention.

First, some context. Clear Channel's 1,200 stations exist in a universe of more than 10,500 commercial radio stations in the U.S. (compared to less than 8,000 in 1980). On a national basis, it owns less than 12 percent of all commercial stations. Its growth, as well as that of smaller chains, has been dramatic. But, again, there is context: Until 1985, a single owner could own a maximum of just 14 stations. By 1992 this limit had been raised to 36. Still, regulation kept size artificially low. Only in 1996, when the Telecommunications Act became law, were national limits eliminated, other than existing antitrust laws.

Salon's Eric Boehlert writes that after the "domination" by Clear Channel and second-place Infinity Broadcasting, "The result, many longtime radio industry observers feel, has been the degradation of commercial radio as a creative, independent medium." Yet anyone who remembers the radio of the 1950s and the '60s can recall a bland mix of Top 40 stations, sports, talk, and pop. There were, as now, a handful of jazz and classical stations. The late 1960s and '70s saw the unleashing of the FM band and its superior fidelity. There was a brief Golden Age of freeform stations that mixed psychedelic rock with more outre forms of music. But such "innovation" had fizzled out long before Clear Channel.

The Top 40 list in Philadelphia was rarely much different than the playlist in Denver. Precious little radio programming has truly been local other than the sports scores, traffic, weather, and perhaps some early Sunday

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morning interview. No matter who owns the local stations, it's unlikely that Clear Channel's Boston stations will be giving the Miami traffic report.

Like television, the radio business is changing rapidly. Here, it is satellite and the Internet that are driving progress. Satellite radio services, such as XM and Sirius, are providing new options, with dozens of commercial-free "stations" for those who are willing to pay $120 annually. And the Internet is a very robust option for anyone unsatisfied with what they get on the AM and FM dials. Services such as RealOne Radio and Live365 offer thousands of radio options. Some are transmissions of over-the-air stations from around the world. In a 2001 study I co-authored, we found more than 2,500 stations listed at RealOneRadio.com. The most listened-to stations were those that were Web-based only.

Services such as Live365 provide the capability for anyone to put themselves "on the air" over the Internet for as little as $10 a month. And *The Boston Globe* recently reported that 100,000 listeners a day are using this nascent service. The consumer research firm Arbitron says that in August 2003, 50 million Americans viewed a video or listened to an audio stream on the Internet. "The idea that Rupert Murdoch's Fox media empire or Arthur Sulzberger's at *The New York Times* can overwhelm the voice of the people seems a little more absurd with each new broadband Internet subscription," concluded *Globe* technology columnist Hiawatha Bray.

Public Considerations

Publicly owned companies are frequently criticized for being too driven by quarterly earnings needs. It is a fair criticism. So it is again ironic that the poster child for the evils of media conglomerates, News Corp., is probably the least driven by short-term profits and quarterly earnings. Though the company is publicly owned, working control and ownership have been retained by its chairman, Rupert Murdoch, and his family. The company has invested hundreds of millions of dollars into its groundbreaking efforts in creating the Fox Network, then a viable second all-news cable network, then creating direct broadcast satellite service covering parts of the Third World as well as developed countries that did not have the advantage of a multi-channel cable infrastructure. While in no way endorsing his apparent political ideology, one might even point to his bankrolling of the conservative *Weekly Standard* as another contribution Murdoch has made to the marketplace of ideas and cultural offerings.

Advocates for small, local, nonprofit media companies routinely ignore or discount the benefits of profit-driven public ownership. The stocks of these companies are widely held—by teachers' pension funds, by mutual funds, by individuals, and by 401(k) plans. The boards of these companies have a fiduciary responsibility to their stockholders. Most of them, most of the time, take that seriously. Restricting their coverage, their range of films or magazine titles or news shows, is not what the big companies are about. They simultaneously seek to reach the mass market when they can and niche markets when they spot them. Given the vast diversity of interests in a nation the size of the United States, there is potential profit in reaching the right wing as well as the left wing, in programming for Spanish speakers as well as English, in publishing books for escapism and for self-help, in investigative reporting that is critical of government as well as editorials that are supportive. And if the big guys don't provide it, some small publisher or producer will.

Having said that, it remains likely that, as in many fields, a relatively small number of companies will capture a large chunk of market share. This needs to be understood properly. If large segments of the public choose to watch, read, or listen to content from a relatively small number of media companies, that should not distract policy makers from the key word there: *choose*. At a time when such a fragmented audience is dividing itself among niche cable channels, tens of thousands of book titles published annually, and hyper-individualized Web surfing, it may even be socially positive that there are some mass audience shows, movies, and books that, like the *Harry Potter* series, give us something common to talk about. It may indeed be that at any given moment 80 percent of the audience is viewing or reading or listening to something from the 10 largest media players. But that does not mean it is the same 80 percent all the time, or that it is cause for concern.

Walter Lippmann once wrote, "The theory of a free press is that truth will emerge from free discussion, not that it will be presented perfectly and instantly in any one account." I have never heard a convincing argument that any individual in the United States in 2003 cannot easily and inexpensively have access to a huge variety of news, information, opinion, culture, and entertainment, whether from 10, 50, or 3,000 sources. If that is what passes for media concentration, we should consider ourselves pretty lucky. ▮

Ben Compaine (massmedia@bcompany.com) is the co-author of Who Owns the Media? Competition and Concentration in the Mass Media Industry (Lawrence Erlbaum Associates).

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DARING DRUG EXPOSE

SHAME HORROR DESPAIR

MARIHUANA

WEED WITH ROOTS IN HELL

MISERY

SMOKE THAT GETS IN YOUTH'S EYES

WHAT HAPPENS AT MARIHUANA PARTIES?

LUST

CRIME

SORROW

HATE

SHAME

DESPAIR

WEIRD ORGIES WILD PARTIES

UNLEASHED PASSIONS

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Just Say No Again

The old failures of new and improved anti-drug education

Renee Moilanen

I'M AT THE February 2001 Teens at the Table conference, a feel-good event sponsored by a coalition of Los Angeles youth organizations and high schools. It's designed to boost self-esteem and teach teenagers how to make smart decisions. In one of the sessions, a group of students is about to learn how easy it is to stay off drugs. It doesn't require anything as lame as red ribbons or "Just Say No" chants. It just takes knowing what constitutes a healthy decision—one that is all your own—coupled with a little real-life practice.

The kids test their skills with a role-playing skit. The scenario: Two girls are walking home from a party late at night when a car full of boys pulls up to offer them a ride. "The boys have been drinking and smoking," the script reads. "Trouble is imminent."

Here is where the teenagers are supposed to call on their newfound decision making skills in choosing whether to get into the car. They're asked to think about their options, weigh the consequences, and decide what to do based on what would be best for them—no judgments,

Resistance. Arrest with Rage, in Hollywood poster. © David Pollack/Corbis

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Eliminate the psychobabble, and Project ALERT's message is almost indistinguishable from that of the 1980s anti-drug programs that teachers now roundly scorn: Peer pressure is bad. Drugs are bad. Just say no.

no right or wrong, none of that thoughtless Just Say No stuff from the 1980s and early '90s. Today's drug prevention lessons, scientifically crafted and tested, are supposed to be all about teaching teenagers how to make choices, not telling them what to do; respecting their autonomy, not treating them like ventriloquist's dummies.

So the teenagers choose. If they don't get into the car, they walk home and everything is fine. But if they do...

Boys: Hop in girls!

(Eventually the boys get out of hand and come on to the girls.)

Girls: Stop it!

Boys: Come on, it will be fun!

Girls: No!

(Car accident.)

The teachers say there's a choice here, but these kids aren't stupid. They can stay out of the car and live, or get in the car and die. So...just say no.

Dare to Keep Your Kids off DARE

That three-word mantra "Just Say No" became a national punch line for a reason: It didn't keep kids away from drugs. Drug use among teenagers dropped steadily from the early 1980s until 1992, mirroring a decline in drug use among adults. But this downward trend began before the anti-drug curricula developed in the 1980s, exemplified by Drug Abuse Resistance Education (DARE), could have had any impact. The drop was detected in surveys of students who had never heard of DARE or Just Say No. And by the early 1990s, when students who were exposed to DARE and similar programs in grade school and middle school reached their late teens, drug use among teenagers was going up again. In the 2002 Monitoring the Future Study, 53 percent of high school seniors said they had used illegal drugs, compared to 41 percent in 1992. Past-month use rose from 14 percent to 25 percent during the same period.

Meanwhile, the leading model for drug education in the United States has been DARE, which brings police officers into elementary and middle school classrooms to warn kids away from drugs. DARE claims to teach kids how to resist peer pressure and say no to drugs through skits, cartoons, and hypothetical situations. Founded by Los Angeles Police Chief Daryl Gates in 1983 and organized as a nonprofit corporation (DARE America) in 1987, DARE is still used in around three-quarters of the nation's school districts. At the annual DARE Officers Association Dinner a few years ago, Bill Clinton's drug czar, Barry McCaffrey, declared that "DARE knows what needs to be done to reduce drug use among children, and you are doing it—successfully." But as McCaffrey should have known, the effectiveness of DARE has never been demonstrated, a fact DARE America itself implicitly conceded when it announced, half a year after the drug czar's praise, that it was revamping its program.

During the last decade DARE has been widely criticized as unproven and unsophisticated. In one of the most damning studies, published in 1999, a team of researchers at the University of Kentucky found that 10 years after receiving the anti-drug lessons, former DARE students were no different from non-DARE students in terms of drug use, drug attitudes, or self-esteem. "This report adds to the accumulating literature on DARE's lack of efficacy in preventing or reducing substance use," the researchers noted. In a 2003 report, the General Accounting Office reviewed six long-term evaluations of DARE and concluded that there were "no significant differences in illicit drug use between students who received

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DARE...and students who did not." The surgeon general, the National Academy of Sciences, and the U.S. Department of Education also have declared DARE ineffective.

Determined not to repeat past mistakes and prodded by a federal government that lately has been demanding accountability in education, teachers today are turning to prevention programs backed by "scientifically based" claims of effectiveness. In 1998 the Department of Education, concerned that money was being wasted on a mishmash of ineffective programs, decided to fund only those proven by "scientifically based research" to reduce or prevent drug use. Testimonials and we-think-it's-working assurances like those cited by DARE would no longer pass muster. Every prevention program now needed hard numbers, objective experiments, and independently reviewed conclusions based on long-term follow-ups to prove they worked.

In 2000 the Department of Education convened an expert panel that judged nine prevention programs "exemplary" for their proven effectiveness and 33 others "promising." Comprised mostly of educators and health professionals, the panel gave the "exemplary" or "promising" nod only to programs backed by at least one scientific evaluation of effectiveness (DARE did not make the cut). Schools using programs that were not on the list would risk losing their slice of the Department of Education's $635 million drug prevention budget. In 2001 President George W. Bush included the "scientifically based research" criterion for drug education in his No Child Left Behind Act, signing into law what had previously been only administrative practice.

But the officially endorsed alternatives to DARE aren't necessarily better. Once you remove the shiny packaging and discard the "new and improved" labels, you'll find a product that's disappointingly familiar. The main thing that has changed is the rhetoric. Instead of "Just Say No," you'll hear, "Use your refusal skills." The new programs encourage teachers to go beyond telling kids that drug use is bad. Instead, they tell teenagers to "use your decision making skills" to make "healthy life choices." Since drugs aren't healthy, the choice is obvious: Just say no.

The persistence of this theme is no accident. Prevention programs can get the federal government's stamp of approval only if they deliver "a clear and consistent message that the illegal use of drugs" is "wrong and harmful." But this abstinence-only message leaves teenagers ill-equipped to avoid drug-related hazards if they do decide to experiment.

After examining some of the new anti-drug curricula and watching a sampling of them in action, I strongly doubt these programs are winning many hearts and minds.

The Class Struggle Against Drugs

In September 2001, I join a class of middle schoolers in the upscale Los Angeles suburb of Palos Verdes Estates as they run through a series of hypothetical scenarios ostensibly designed to put their decision making skills to work. The program, called Skills for Adolescence, is used in about 10 percent of the nation's 92,000 K–12 schools. The curriculum, which the Department of Education deems "promising," "teaches the social competency skills young adolescents need for positive development," according to program literature.

Clustered into small groups, each student fingers a wallet-size blue card. The card—titled "Will it lead to trouble?"—lists the five questions adolescents should ask themselves when confronted with a difficult choice. It's laminated, presumably so teenagers can keep it in their back pockets and whip it out whenever they're faced with a tough decision and need a quick reminder about how to make one.

If the answer to any of these questions is yes, the students are supposed to say no: "Is it against the law, rules, or the teachings of my religion? Is it harmful to me or to others? Would it disappoint my family or other important adults? Is it wrong to do? Would I be hurt or upset if someone did this to me?"

The questions clearly are designed to elicit a complete rejection of drug use. Is it against the law? Yes, drugs are against the law. Therefore, you must reject them. Is it harmful? Yes, they can be harmful. Reject them. Would it disappoint my family or other adults? Yes, reject. There's no way to make any other decision. "If the only decision that's the right decision is the decision to say no, you've effectively cut off the discussion again," observes Marsha Rosenbaum,

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director of the West Coast office of the Drug Policy Alliance and author of *Safety First: A Reality-Based Approach to Teens, Drugs, and Drug Education.*

Another program praised by the Department of Education is Project ALERT, which it calls "exemplary." A series of anti-drug and anti-tobacco lessons used in about a fifth of the nation's 15,000 school districts, Project ALERT boasts that it "helps students build skills that will last a lifetime," including "how to identify the sources of pressure to use substances," "how to match specific resistance techniques with social pressures," "how to counter pro-drug arguments," and "how to say 'no' several different ways."

Eliminate the psychobabble, and Project ALERT's message is almost indistinguishable from that of the 1980s anti-drug programs that teachers now roundly scorn: Peer pressure is bad. Drugs are bad. Just say no.

In a room plastered with posters titled "Pressures" and "Ways to Say No," I join a class of Los Angeles middle schoolers in November 2002 as it breaks into small groups to plod through an anti-drug lesson from Project ALERT. The adolescents have just finished watching a video about smoking cigarettes featuring former teenaged smokers who say things like, "Life is too short. I'm not eager to die."

Each of the four groups is assigned a different question to answer: How can you help people quit? What's good about quitting? How do people quit? What gets people to quit?

There is little discussion. The kids know what the teacher expects. How can you help people quit? Tell them smoking is dumb. Don't hang out with them anymore.

When asked if she knows anyone who smokes, one girl nods.

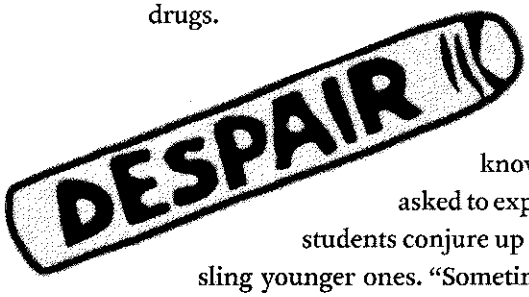
Do you think any of this helps?

"No," she says without hesitation.

Why not?

The girl barely lifts her eyes from the paper, where she is decorating the "Smoking is dumb" and "Don't hang out with them anymore" list with bright red hearts. She shrugs. "Some people just don't care," she says.

The students are asked why they think kids use drugs.



They respond in unison, "Peer pressure"—the answer they know is expected. When asked to explain what this means, the students conjure up images of older kids hassling younger ones. "Sometimes they're your friends, but sometimes they're crazy people that come up and ask if you want some," one boy says, drawing on concepts that prevailed during the Just Say No era but have little basis in real life.

One boy defines peer pressure as other students "trying to force you, trying to convince you to do it." When asked if he's ever experienced peer pressure, he shakes his head. He's waiting for a group of sinister strangers to thrust drugs in his face. Drug education apparently has not helped him realize that peer pressure is far subtler, like wearing the same clothes as your friends or sharing inside jokes. And the teachers, by continuing to portray peer pressure as a palpable evil, fail to protect their students from anything.

Everything Old Is New Again

Today's anti-drug programs claim to have replaced all the scare tactics of years past with good, solid information about the physiological effects of drug use. But these programs, which are based on the same flawed "scientific" information that adults have been using for years to keep kids off drugs, are a lot like anti-alcohol propaganda from the late 19th and early 20th centuries.

Back in the late 1800s, health lessons endorsed by the Woman's Christian Temperance Union (WCTU) and its Department of Scientific Instruction portrayed alcohol as a wicked poison that created an uncontrollable appetite for more: "Many persons who at first take only a little beer, cider, or wine, form a great desire for them....The appetite for alcoholic liquors usually grows rapidly, and men who use but little at first often become drunkards in a short time." This selection comes from *The House I Live In,* a schoolbook written in 1887 and heartily endorsed by the WCTU.

A century later, another popular textbook offers a similar perspective on drug use. This passage comes from *Making Life Choices* (1999), lauded by teachers for its scientific content: "Attachment to the drug becomes almost like a great love relationship with another person. The only sure way to escape drug addiction is never to experiment with taking the drugs that produce it."

In the popular classroom video *Marijuana*

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"[Drug educators] make you feel as bad as they can if you do it," says one Los Angeles teenager. Still, he says, "almost every person I know has tried marijuana. Even good people."

Updates, produced in 1997, teenagers and Leo Hayden, a former college football player turned drug counselor, describe how pot ruined their lives. They say the drug made them feel invincible, tired, hungry, and numb. Soon they were slacking off in school, shirking responsibilities, and turning to harder drugs for a better high. Their testimonials, which suggest that pot turns people into useless zombies eager to snort cocaine and shoot heroin, draw on two major themes in anti-marijuana propaganda: "amotivational syndrome" and the "gateway effect."

A century ago, kids heard the same warnings about tobacco, another target of the so-called temperance movement. *Our Bodies and How We Live* (1904) warned that "the mind of the habitual user of tobacco is apt to lose its capacity for study or successful effort." According to the 1924 *Primer of Hygiene,* a smoker "forgets the importance of the work he has to do, and idles away his time instead of going earnestly to work to finish his task." *The Essentials of Health* (1892) worried that cigarettes would lead to harder stuff: "It is to be feared that if our young men continue the use of cigarettes we shall soon see, as a legitimate result, a large number of adults addicted to the opium habit."

The scientific studies allegedly proving the effectiveness of the new drug education programs aren't much more impressive than the tired rhetoric. Consider Life Skills Training, a fast-growing program that reaches about 2 percent of the nation's 47 million schoolchildren and tops the list of "exemplary" programs. Generally touted as the future of drug education, Life Skills Training purports to cut tobacco, alcohol, and marijuana use by up to 75 percent; to reduce the use of multiple drugs by two-thirds; and to decrease the use of inhalants, narcotics, and hallucinogens. These claims aren't based on testimonials or case studies about 12-year-old Johnny turning his life around after a few Life Skills Training lessons. The program's supporters cite actual scientific studies, reported in journals published by the American Medical Association and American Psychological Association.

But the lead scientist on those evaluations, Cornell University epidemiologist Gilbert Botvin, is the creator of Life Skills Training and the one profiting from its success. Botvin also sits on the expert panel that deemed his prevention program "exemplary." He is not the only program developer sitting on the expert panel; two other panelists have participated in rating prevention programs they helped develop. All of their programs have received "exemplary" marks.

Such conflicts of interest aren't proof that the conclusions are flawed. But independent researchers such as Joel Brown at the Center for Educational Research and Development in Berkeley have found problems with the Life Skills Training studies. Brown charges that the evaluations often focused only on positive outcomes and omitted results indicating that teenagers who went through the prevention program were *more* likely to use drugs or alcohol than their peers.

You Gotta Believe

In a 2001 analysis published by the *Journal of Drug Education,* Brown noted that a six-year evaluation of Life Skills Training reported data only from students who had completed 60 percent or more of the curriculum, just two-thirds of the original 2,455-student sample. The students left out were the ones who missed many of the anti-drug lessons—probably students who skipped class a lot or were less motivated. Such students, other research suggests, would be especially prone to drug use. Carving them out of

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What all of these programs continue to ignore is the most crucial piece in the drug prevention puzzle—the kids, and their stubbornly independent reactions to propaganda. They aren't fooled by "decision making" skills or "healthy choices."

the picture inflated the program's apparent effectiveness, Brown's study shows.

Brown also found that when students completed anything less than 60 percent of the Life Skills Training curriculum, even 59 percent, their drug use was no lower, and in many cases higher, than that of students who did not participate in any lessons at all. Since the researchers don't give a good reason for using 60 percent as the cutoff point (only saying it was "a reasonably complete version of the intervention"), it seems they simply chose the point at which the outcomes turned positive.

Furthermore, Brown says, real students in real classrooms are unlikely ever to see 60 percent of the curriculum, because most teachers simply pick out lessons and squeeze them in whenever possible. The Life Skills Training research reinforces this caveat: Even under pristine conditions, with teachers getting constant training and monitoring, one-third of the students failed to reach the 60 percent mark. And those kids, Brown's research shows, were more likely to use drugs than the students who did not participate at all.

The National Academy of Sciences found similar gaps in drug education research in its 2001 report *Informing America's Policy on Illegal Drugs: What We Don't Know Keeps Hurting Us*. Too many studies omit negative results, exclude students from the original sample, and inflate statistical evidence, the report concluded. But because the federal government only requires a prevention study to demonstrate a single positive outcome, programs backed by weak evidence stay in business.

Another problem with many of the new "science-based" prevention programs is that they continue to rely on statistics measuring student attitudes toward drugs. Project ALERT celebrates outcomes such as these: "Anti-drug beliefs were significantly enhanced," among them "intentions not to use within the next six months," "beliefs that one can successfully resist pro-drug pressures," and "beliefs that drug use is harmful and has negative consequences." But whether a student *intends* to abstain or *believes* he can resist drugs does not tell us whether he actually will do so.

DARE officials likewise tried to counter bad publicity by falling back on beliefs, trumpeting that 97 percent of teachers rated DARE as good to excellent, 93 percent of parents believed DARE teaches children to avoid drugs, and 86 percent of school principals believed students would be less likely to use drugs after DARE. With only beliefs to cite, DARE was left off the federal government's list of "exemplary" and "promising" prevention curricula in 2000. Many schools have dropped it from their anti-drug lineups or scaled it back to the point of irrelevance, a fact that DARE officials concede while refusing to release numbers on the decline.

Desperate to retain its dominance in the prevention market, DARE has embarked on a dramatic retooling of its lessons to keep up with the current emphasis on scientific research, decision-making skills, and resistance techniques. The Robert Wood Johnson Foundation has given DARE a $13.7 million grant to create a new middle school curriculum, which teachers began testing last fall. DARE officials said the new curriculum was drastically different.

"It's not just say no, it's not Nancy Reagan," says Charlie Parsons, executive director of DARE America. "We're teaching kids *how* to say no."

It remains to be seen how this revamped DARE curriculum is going to be any different from the old one—or, for that matter, how any of the new prevention programs are different from the old DARE. Many of the DARE tactics now

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scorned by educators are quite similar to those used in the new, supposedly revised programs. Project ALERT and Life Skills Training have "Ways to Say No" almost identical to the ones taught in DARE.

Drug Education as if Reality Matters

What all of these programs continue to ignore is the most crucial piece in the drug prevention puzzle—the kids, and their stubbornly independent reactions to propaganda. They aren't fooled by "decision making" skills or "healthy choices." They know what the teachers expect: Just say no.

"They make you feel as bad as they can if you do it," says one Los Angeles teenager. Still, he says, "almost every person I know has tried marijuana. Even good people."

At Mira Costa High School in Manhattan Beach, California, a 10th-grade summer health teacher, Guy Gardner, recognizes his difficult position. About one in four Manhattan Beach students are "current" (past-month) marijuana users, according to the district's own studies, which puts them near the national average. "A lot of them know more than I do," Gardner confesses. Yet he plays the game, rattling off a list of warnings—cocaine will rot out your nose, marijuana could kill you, there's no such thing as recreational drug use—even as most of his students know how unlikely or just plain wrong it all is.

In one lesson, Gardner asks students to name the first thing that comes to their minds when they hear the word *drugs*. "Don't give me answers I want to hear, give me your answers," he urges.

A couple of kids call out: Crime. Death. Stupid. Something that alters your mind and screws up your body.

But a few offer another point of view.

"I think it's bad, but people have the choice to do it, and if they do it, it's their problem," says one boy.

"If you really want to do it, you're going to do it," says another, even going so far as to advocate legalizing drugs. "We'd be so much more chill in the nation."

That may be, but saying so is untenable in the abstinence-only world of drug education. Gardner pulls back the debate. You can't legalize drugs, he tells the students, because they're harmful. "The ultimate message" of legalization, he says, "is it's OK to do drugs." And that, he implies, just isn't true.

In the end, meaningful drug education reform probably won't come from educators. It will have to come from those who have far more at stake when it comes to drug use by teenagers: their parents. They are the ones who see their kids stumble home with bloodshot eyes, who can't fall asleep when their kids are partying the night away, who know their kids are experimenting with drugs and want, above all, for them to be safe.

That's why drug experts such as *Safety First* author Marsha Rosenbaum are calling for a truly new approach to drug education, one that abandons the abstinence-only message and gives kids the unbiased, factual information they need to stay safe, even if they choose to experiment. Such information could include now-forbidden advice on real but avoidable hazards such as driving under the influence, having sex when you're high, mixing alcohol with other depressants, and overheating while using Ecstasy.

One possible model is Mothers Against Drunk Driving (MADD), which recognized that if it couldn't stop young people from drinking, it could at least stop them from getting behind the wheel while intoxicated. MADD's efforts, which made *designated driver* a household term, seem to have worked: Since 1982, according to the National Highway Traffic Safety Administration, the number of teenagers killed in drunk driving accidents has plunged 57 percent. MADD thus helped prove that we can make drug use safer without eliminating it entirely.

"There are kids who are not going to use drugs for religious reasons, because they're athletes, because they're focused on school, because they don't like the way they feel," Rosenbaum notes. "These kids don't need a program to tell them no. They're already not using. But for the kids who are amenable to the experience, it doesn't matter how many DARE programs they sit through; they're going to do it anyway....If we can't prevent drug use, what we can prevent is drug abuse and drug problems. But we have to get real." ▪

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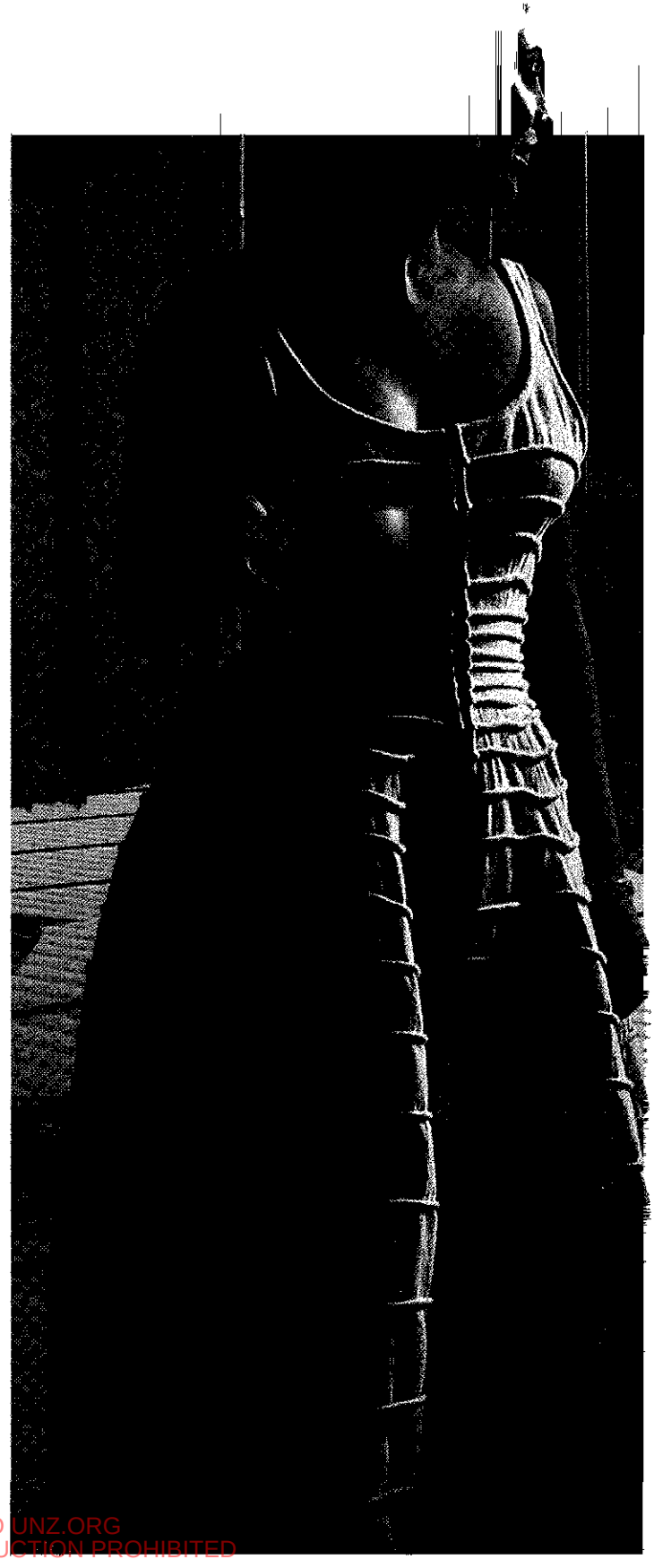
Cybergreen

Bruce Sterling on media, design, fiction, and the future



Futurefarmers, James Porto 2000

Interviewed by Mike Godwin

In the 1980s, Bruce Sterling became a leader of the "cyberpunk" revolution—a literary movement that combined the artistic ambition of science fiction's 1960s New Wave with the hard-core speculation associated with Verne, Wells, Heinlein, and Clarke. Cyberpunk's chief theme was the way technologies evolve us even as we evolve them, and its influence can be seen in almost every science fiction writer of note today, from Ken MacLeod to Alastair Reynolds to Cory Doctorow.

Neuromancer author William Gibson may have been the best-known of the cyberpunks, but the movement's chief theorist and propagandist was Sterling, whose writing covered far more territory than that of his peers. Sterling's books from the

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Sterling is no one-note activist. His mind buzzes with ideas about history, technology, art theory, politics, global cultural trends, and more. The best introduction to the scope of Sterling's interests is his recent nonfiction book *Tomorrow Now: Envisioning the Next Fifty Years* (Random House). The book is to typical futurist prognostications what jazz is to a symphony: Sterling riffs on what the present tells us about the world our grandchildren will inherit. But like all the best futurists, Sterling has his eyes set on the past as well. That may explain why, even as he describes the book as "an ambitious, sprawling effort in thundering futurist punditry," he frames it on a set piece from Shakespeare—"The Seven Ages of Man," from *As You Like It*. Perhaps surprisingly, the Shakespearean trope works rather well as a way of outlining the oncoming histories, comedies, and dramas we're staging for ourselves.

Contributing Editor Mike Godwin talked with Sterling last summer, in the sprawling house the author designed for himself and his family in Austin, Texas.

period—*Schismatrix, Islands in the Net, Crystal Express*—range so widely in settings and characters that it's hard to talk about them collectively. What they have in common is their author's willingness to stare uncomfortable truths in the face. His 1989 story "We See Things Differently," for example, eerily predicted and captured the jihadic Islamism of the 9/11 era.

In the late '90s, Sterling launched another movement: the Viridian Greens. This one focused on how industrial design could be used to respond to global climate change. "Our society runs on fossil fuel," he wrote in an early manifesto. "We have a substance-abuse problem with carbon dioxide. This is a seemingly abstract issue now, but it's going to get very, very much livelier once we start having evacuation camps and dustbowls and so on. At that point, anyone who isn't talking about the Greenhouse Effect is going to seem very twentieth-century and extremely old-fashioned."

That proclamation in itself might sound old-fashioned—not entirely out of place in a Greenpeace pamphlet—but Sterling went on to classify his new cause as an art and design movement. He also gave it a built-in expiration date (2012). He named the movement the Viridian Greens because, as he puts it, "there's something electrical and unnatural about our tinge of green." Sterling's rhetoric is not the renunciatory language of back-to-the-land communal farmers or febrile eco-terrorists. We've made this problem, Sterling tells us, and now it's up to us to design our way out of it—not by denying ourselves modernity but by embracing a more intelligent version of it.

reason: Not long after the 9/11 terrorist attacks, you wrote a *cri de coeur* about how the attacks signified the end of a *belle époque*, during which the government is relatively technocratic, competent, and bland—providing basic services but otherwise uninteresting—and the rest of the world is peacefully progressing, partly as a function of technological advance. Are we going to see that kind of era again?

Bruce Sterling: It depends on who "we" are. For the U.S., the *belle époque* is over. It lost its steam under this tremendous necromantic thing that bin Laden pulled, and also it's over because this huge surge of energy that was in the dot-com world failed at the last mile. Socially, policy makers have made a series of choices very similar to what preceded the collapse into World War I. There's the same kind of massive gung-hoism for acts of violence and the same kind of irrationality. We're in a very dark time. It's dark enough that it cannot lift overnight.

reason: You were upbeat about the Internet bubble. You

Bruce Sterling

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don't think it was based on irrational exuberance?

Sterling: I don't think it was an irrational exuberance. Some of it was irrational—clearly there was a lot of embezzlement going on, buddyism on Wall Street, your basic Enron shenanigans. But computation and ubiquitous sensors and ubiquitous communication offer the opportunity to reform the industrial base along cybernetic and post-industrial lines. Should that be allowed to happen, it will bring a lot of prosperity.

But I think we made really serious missteps in 2000 and 2001, and we've really turned our backs on a world that could have been pleasant, delightful, peaceful, and technocratic. Now we face a world that is religious, narrow-minded, fundamentalist, and violent.

reason: We're still seeing technological progress, at least in terms of tools. Some of us have DVD burners in our laptops, when not too long ago we couldn't imagine burning CDs. Content providers are freaking out about this because people are able to make their own product, or duplicate other people's product.

Sterling: I'm not really all that interested in what Hollywood does with its stuff. I mean, they're only the size of the porn industry. I think the real revolution is in industrial production. It's about manipulating factory processes, it's about mass customization, it's about a revolution in industry that gets the toxins out of the air and is more efficient by, say, a factor of four than what we had. When that happens we'll have a genuinely new world. Playing movies off handhelds, that's not really that big of a deal.

reason: Still, the content industries are significant enough to start the kind of moral panic you talk about in *Tomorrow Now*—moral panics that drive irrational social or governmental responses. Computers keep empowering people and keep surprising people with what they can do.

Sterling: Well, they used to surprise people. Now they alarm people. You can tell it's a moral panic when people start doing really dirty things that have no effect on what's going on. And that's a classic example—this culture war where you put out fake MP3s that have cursing on them.

reason: It was interesting that when Madonna started circulating ersatz MP3s to fool the file traders—MP3s that had her cursing at them for trying to trade her music without paying for it—people started sampling the cursing.

Sterling: Pop will eat itself. I predicted for a long time that the Internet would be a big, stinking deal when there was finally a pop song about it. Sure enough, Destiny's Child did a song that has a line about "some girl trashing me on the Internet." That's funny, but the thing that's peculiar about it is there was always a dark side. There was always the porn/mafia/drug dealer/pedophilia aspect—the four horsemen of the apocalypse.

reason: The flip side of the empowerment dream.

Sterling: We're empowering people we're afraid of, and we cannot handle the consequences of the social change, some of which are always dark. There is no silver lining without its cloud. It's a Woodstock-Altamont transformation. It's like, hey, we're going to play free music for everybody, including these PCP-demented Hell's Angels with pool cues.

reason: I miss the days when porn and computer crime were perceived to be the big threat, not copyright infringement. Those were more inherently interesting.

Sterling: I miss the teenage menace days: "Children shouldn't have these computers. They're burglar tools. They should be kept out of their hands, like rifles and alcohol. No underage people should control all these extremely dangerous mechanisms."

There are historical periods of license and his-

"There is a Google blindness. It's a kind of common wisdom generator, but it's not necessarily going to get you to the real story of what's actually going on."

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torical periods of oppression. But the records would get lost. At the height of Victorianism, when woman are shrouding the table legs, you're not really confronted with your regency grandfather who was some drunken fuck wandering down streets accosting semi-nude hookers in his heyday.

The history of pornography is you'd find it in your uncle's stuff when you were cleaning up after he died and you'd burn it. People would just destroy it. "Omigod, he had all this indecent stuff!" And you'd kind of whisper about it later. But there were these cleansing fires. You could burn it and there were only so many copies. A privately printed edition of *Autobiography of a Flea*, or *Fanny Hill*. Now it's pig easy to go on the Internet and just grab the planet's most scabrous excesses—absolute debauchery—you lay it out there with the complete sterile access of a surgeon or a medical test. By what means do we repress this information? Any red-blooded guy with 80 megabytes of rancid porn on his hard disk can be a publisher on a CD-ROM in seconds.

reason: You map out *Tomorrow Now* according to Shakespeare's Seven Ages of Man: the infant, the schoolboy, the lover, the soldier, the judge, the elderly man, and the senile one. When you characterize the soldier age, you talk less about terrorists and terrorism than figures who are somewhere between warlords and criminals.

Sterling: They're terrorist anti-terrorists. The warlords have got it going on because they command the means of production. Bin Laden is a prophet. He's a cultist, and made this tremendous suicide gesture, which is not that far from the Heaven's Gate/Jonestown thing.

reason: The trick is making other people commit suicide for you.

Sterling: No, that's not even the trick. He's probably more powerful dead than he is alive at this point. My suspicion is that the guy is dead. But I expect to see him issuing tapes for the next 30 to 40 years.

He may have been dying. He may have done this thing as a kind of *Gotterdammerung* gesture. Hitler did that. The Japanese were very into that. Fanatical gestures capture the public's imagination, but they're just not as important to people's lives as massive economic arrangements. A guy like Arkan, the Serb counterterrorist with connections to the Yugoslav government, is in the business of destabilizing nation-states in order to route the entire productive capacity of his population through his own pockets.

reason: When I started the lover chapter, I said to myself, "There is going to be some sex in there," but there wasn't much. Instead you talk about people's relationship with objects.

Sterling: What I'm trying to talk about are aspects of the 21st century that are visibly different from what we already have. And I don't really think love is going to be that different. There's a fringe for people who like blowup dolls, but in point of fact there's very little going on there that hasn't been going on since the advent of the birth control pill.

What is different about the 21st century is the increasing intimacy of people with objects—not in a sexual way, but in a bodily way. People have implants, they have gizmos, all these little barnacles in their pockets that are attached to themselves. To which they are completely emotionally dependent.

reason: And drugs.

Sterling: More like performance-enhancement devices. And I found it more interesting and more significant to talk about an intimate relationship with prosthetics and gizmos than an intimate relationship between one human being and another.

"I'm a transitional figure. I'm the very last generation that worked professionally on typewriters. William Gibson wrote his first book on a typewriter. I wrote two books on typewriters. I was taught to use slide rules in schools. Now it's like having a pet trilobite."

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reason: What personal relationships with gizmos are you in right now?

Sterling: Well, I send my wife a lot of e-mail, and I never really expected that to happen. She's upstairs on her computer, and I'm downstairs on my computer. And we have an increasingly e-mail-mediated relationship. She's sending me notes, she's forwarding me things from my own family. My uncle, who is sort of the family webmaster, is now a much more influential presence in my life, due to e-mail. This is not uncommon. We have certain family affairs that are now electronically organized. Like, how do we look after our dad? We have little rules about who is going to clean the cemetery. We have a myfamily.com Web site where everyone uploads pictures of the children. My cousin's second cousin's children's nephew's bride—I don't see these people except through electronic mediation. I wouldn't be seeing them otherwise.

reason: Instant messaging has taken more of that role. You have a sense of presence that's even more immediate than e-mail.

Sterling: My daughter's generation is more into that than I am. She's frequently chatting on her phone, doing role playing games with her closest friends who are a teenage gang wandering up and down the campus playing video games. Then they go home, as a teenage gang, to play role playing games, as a gang. They're the same people; it's just that they have different identities: the elf warrior and the dark gothic dwarf.

I'm very interested in those things, but the only game that commands my own attention is Web surfing. I spend huge amounts of time doing that.

reason: It never ceases to amaze me how much material is sort of spontaneously thrown up on the Web.

Sterling: I think that's an early response. You get this database toxicity. You go into a system like Lexis-Nexis and you put in a search word and get 60,000 hits, and you think, this is all the knowledge there is in the universe. But it's actually 10,000 references to six different things, and the actual story is something very few people know.

reason: I think there are some positive social changes happening as a result of this spontaneous database building and Web page building. There are more and more of us who reflexively look things up.

Sterling: There is a Google blindness. It's a kind of common wisdom generator, but it's not necessarily going to get you to the real story of what's actually going on.

reason: As today's children get older they're internalizing Boolean search logic, and they actually do show some discrimination and drill down to the useful information.

Sterling: It is a form of literacy that's really peculiar. Socrates used to talk about this: "The problem with writing is that no one memorizes the *Iliad* any more. You've got to just know all of it. And how can you call yourself an educated man if you cannot recite Book Three, not missing a single epithet?" He's got a point there.

It has a profound effect on literary composition. I've got Google up all the time. It gives you this veneer of command of the facts which you do not, in point of fact, have. It's extremely useful for novelists but somewhat dangerous if you're pretending to be a brain surgeon.

reason: One thing I notice about the progression of your novels is that the first ones were significantly different in time and space from where we are, and increasingly we bring things closer to the present day. Does that represent the same kind of shift in attention to the world that we see in your nonfiction writing?

Sterling: It's hard to say what is opportunism and what is very typical science fiction writer development. If you read Jules Verne, one of his first books is *Paris in the Twentieth Century*, which is far away in time and space and could not get published. Then there is *Five Weeks in a Balloon*, which is in Africa. Then he becomes a member of the Amiens City Council, and at that point all the technocratic brio and the incredible voyage leaks out of his work, and he starts writing these really quite dark political novels like *Robur the Conqueror* and *Master of the World*. Because the guy has actually come to an understanding of where the bodies are buried in the power structure. That's kind of overwhelming, and a departure from his earlier fantasies of technocratic prowess: I am Nemo; I will assemble a superelectric submarine.

It's similar to the mental progression of mathematicians. In their early 20s, they're whipping the four-color theorem, and then by the time they're 90, they're working on some tiny, obscure little movement ahead. It's really interesting to someone who's really interested in mathematics.

reason: Novelists don't quite follow that path.

Sterling: Novelists don't. But science fiction novelists do. Real novelists die in the arms of their fourth wife of cir-

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rhosis of the liver at age 57, but science fiction writers are getting bestsellers by chewing over the supertrilogy of the trilogy's trilogy at age 82.

reason: Do you ever have a feeling of vertigo when you look around and see lot of things that seem science fictional that we didn't anticipate, or that we did anticipate but didn't expect would come true so soon?

Sterling: Or that they would be so banal. I have moments of future shock. I'm not invulnerable to that. What interests me is where ideas that are very novel to me become old-fashioned and even antiquated. But it doesn't quite shock me in the way that it once did. I didn't merely read the prognostications of my own epoch; I've been very interested in futuristic prognostications written in the 19th century. They're always off. No one can ever make it as banal as it is. If you're writing about the future, it's hard to write about things that will be omnipresent and boring and explain to your readers that they are novelties to you but boring to your characters.

reason: It's strange that not only are your idle musings on Usenet from 15 years ago still out there, but someone could actually confront you with them.

Sterling: That doesn't surprise me too much. I put it in this new book. There are certain things that, in middle age, become obvious to you. The best way to have a really great idea is to have a thousand ideas. The guy who has the thousand ideas will be valorized for idea 837 and for idea 732, but those were never the ones he treasured. What did Thomas Edison really spend a lot of time on? Trying to get rubber out of milkweeds. He devoted fantastic effort to this mad scheme.

There are offhand comments one makes, or little things that you do, that become catch phrases or stuff that people will stick as signature lines on the Internet. It's rarely the polished aphorism that you're sweating over.

reason: It's like what Derrida tells us: You produced this text, and then it's totally out of your control.

Sterling: I agree with that, and the reason I don't resent it is I have taken such liberties with other people's texts. I don't want to submit to any text control system that would conceivably protect my interests from others, when my interests are so freewheeling.

reason: Are we on the verge of post-humanity?

Sterling: I think we are on the verge of post-humanity, but I don't think it's going to look like what any Extropian thinks it's going to look like. At the end of my novel *Holy Fire* [Bantam, 1997], two post-humans meet. The woman is assessing her former husband and says he's a god. But he's not a god. He's a tommyknocker or a garden gnome. He's this thing which is no longer human and doesn't have human concerns.

There are methods of speculating about how this will play out, and some will have some traction, and some will be ideological or otherwise mistaken. The Extropian problem is thinking you can upload yourself into a computer and have this rapture of the nerds. It was a powerful fantasy of escaping the unbearable pressures of being human. And there are many unbearable pressures of being human. But you find that when you escape one of these things you generally bring all your baggage with you. We will escape some of the limits, but we will not escape into some pure electro-Platonic world any more than the Internet will turn out to be this pure electro-Platonic philosophers' realm.

reason: The Internet turned out to be a funhouse mirror in which everything is emphasized.

Sterling: It's also peculiarly carnal. In the early days of cyberspace, we were going to escape the meat. Well, there is more meat on the Internet than you can imagine. There are acres and acres of people just pointing cameras at their bodies.

reason: Blogging seems to have taken a place in the culture that used to be occupied by fanzines, and maybe by the science fiction magazines.

Sterling: It had its apotheosis in people like Cory Doctorow [author of *Down and Out in the Magic Kingdom*] and other writers who really aren't that interested in the old paper world. Cory actually publishes stuff electronically, and blogging is his *Weird Tales*. He is of a generation sufficiently divorced from the old pulps that he's the dolphin among mesosaurs here.

reason: It seems strange to go to the newsstand and see the lone science fiction magazine.

Sterling: It's been anachronistic since World War II. These are the last surviving pulps. I love them dearly.

There's nothing holy about them. Like all forms of media, they are very dependent on their technological circumstances. The transformation comes when the people who understood what it was like die. I'm a transitional figure. I'm the very last generation that worked professionally on typewriters. William Gibson wrote his first book on a typewriter. I wrote two books on typewriters. I was taught to use slide rules in schools. Now it's like having a pet trilobite.

reason: Let's talk about the Viridian movement. You're

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obviously trying to take some dimension of environmentalism and take it in a new and different direction that isn't particularly anti-modern or anti-technological. And you've tried to frame your "Greens" as an art movement rather than as a political movement.

Sterling: I've always been extremely interested in art movements and political movements and social movements, the small gangs of intelligentsia and who reads whom. Professional musicians are into that too. I just got this new Starbucks album that the Rolling Stones put together. Keith Richards, of all people, talks about how he always wanted to know who the musicians he likes listen to. That's the sign of a true adept there. You want to trace back your spiritual ancestors.

That's what André Breton did, and that's what the pre-Raphaelites did. And they self-published to get the news out. The pre-Raphaelites had this fanzine called *The Germ*, and it went through four issues. And it always goes through four issues. That's the classic fanzine thing. The surrealists had this fanzine called *The Minotaur*, and it went through four issues. The cyberpunks had two fanzines—*Cheap Truth* and *SF Eye*. *Cheap Truth* went through 17 issues. But the issues were only one page long.

They're blogs now. And there are various other social software mechanisms. I'm doing a Viridian blog [www.viridiandesign.org] which is an electro version of a design magazine. I use it as a kind of social probe. It's an experiment for me, a way to give and get back at the same time. It's an organizational experiment. It's a private intelligence network.

reason: And the substance, the topic area, is what?

Sterling: The central topic is the greenhouse effect as a post-industrial design problem. It's not just about raising money for flood victims, which is one way to deal with the consequences. It's about thinking about how we got into this mess, making people realize the mess, and exploring mechanisms—technologies—by which we might conceivably get out.

reason: The traditional green approach, as distinct from the Viridian Green approach, is typically framed in negative terms: a "Thou shalt not" or "We must stop X."

Sterling: Traditional environmentalism is tied in with a human self-actualization movement, which says there are certain things we must renounce for moral reasons.

reason: You were not engaged by that?

Sterling: I'm extremely interested in that, actually, but it doesn't really get me anything. One of the things I introduced deliberately in the Viridian movement is Viridian hate objects. There are people who are our bête noirs, on whom we focus scorn and loathing, and of course they are the people who are most Viridian-like but on the other side. Like the Greening Earth Society, which is like six guys getting paid by coal companies. They sit in a hangar out by the Beltway making up lies. So they've got a better budget than us.

Sure, we hate Exxon because they're huge and they're everywhere. They are the worst of the oil majors, and plus they are involved in a lot of black propaganda activities. But the real people you want to hate from a Viridian perspective are the Greening Earth Society, because they are so much like us.

I singled out the Greening Earth Society as a psychological experiment in the manufacture of a social movement because I've noticed that other social movements hate heretics far more than they hate pagans. Pagans who have never heard the gospel—you should clothe them. You should send out missionaries. They just don't know. It's the people who do know, who have the opposite idea, whom you hate.

reason: Nowadays the political lines seem increasingly

"It's not that Congress doesn't listen to science fiction writers. They shouldn't, really. They should have never listened to Newt Gingrich, that's for sure, and he's a science fiction writer."

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blurry, but there were periods in the 20th century when it seemed you could draw some lines.

Sterling: Right now, the Republicans are the party of reckless spending, and the Democrats are the party of responsibility and the balanced budget.

reason: Not many of us saw that coming.

Sterling: In the 17th century, the guys with short hair were the radicals and the guys with long hair were the royalists. The signifiers move, and the issues move from place to place, but there are certain psychological aspects to human social organization that—I wouldn't call them timeless, but they are commonalities.

I also like to experiment with them. I like to experiment with the media. I'd like to see what people can do with the Internet that they cannot do on paper. And there are certain things one can do that are not worth doing. Like I can set up a discussion group that's open to everybody! And that is not worth doing. It's sort of proven that it immediately turns into a cesspool because it's badly designed.

What I've got in Viridian lists are things like: How do I attract people's attention? How do I not attract too many people's attention? How do I attract interest groups and not alienate other interest groups? How do I move ideas from one interest group to another interest group?

reason: You did something clever by declaring yourself a pope-emperor of the Viridian Greens—simultaneously declaring yourself as a leader and putting an ironic distance between yourself and that role.

Sterling: "Pope" is from surrealism. For someone to call himself a pope is not a new thing.

reason: I know, but you're a pope-hyphenate. That's new.

Sterling: I'm a pope-emperor. That actually did not work out. The pope doesn't work without a college of cardinals. In the early days of Viridian lists I had that; I would declare people things and give them stars and asterisks and ranks. You can do that for 20 people, but you cannot do it for 3,000.

reason: I've been amused by the spectacle of Harlan Ellison ranting against bulletin boards because they say bad things about him.

Sterling: The guy has great skill in getting headlines when he thinks he needs them. I learned a lot from him, like how to organize a literary movement. You need some controversy. He had a Breton thing, in that he burns friend and foe alike. But he's always been very good at making enemies, and many of his enemies are the proper enemies to make. Spiro Agnew. How many other science fiction writers are upset at the vice president? Norman Spinrad's books were condemned in Parliament. How many other science fiction writers have ever been condemned by the powers that be in a parliamentary inquiry?

reason: You're envious.

Sterling: No, I'm not envious. I'm respectful. If I were envious I'd say, "How come I don't get as much money as Michael Moorcock?"

reason: But don't you want to be condemned in Parliament at least once?

Sterling: I want to testify to Congress, but I've done that. I think it's an improvement over being condemned in Parliament: to be a cyberpunk testifying in Congress. This guy is a science fiction writer, and he's here before our panel. You want to be in a situation where you can screw with their heads.

reason: One of the distressing insights of working in D.C. is the extent to which the panel of witnesses at a congressional hearing is a kind of theater. And whether it serves as input to anybody's thinking is highly questionable.

Sterling: It's not that Congress doesn't listen to science fiction writers. They shouldn't, really. They should have never listened to Newt Gingrich, that's for sure, and he's a science fiction writer.

Shelley said poets are the unacknowledged legislators of the world. The truth is that legislators are the unacknowledged poets of the world. They're going to remain unacknowledged. If you talk to anyone who is in power, they never think they have enough to get anything done. No one has ever said, "I have too much power; some of my power should be devolved." It's always, "I'm president, and the Senate is driving me nuts!"

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Found Objects

What archaeologists can gain from markets, or lose by ignoring them

Jeremy Lott

THE INITIAL REPORTS from Iraq last spring confirmed the worst fears of archaeologists around the world. Warnings and pleas about safeguarding important cultural sites had gone unheeded. With coalition forces still struggling to accomplish key objectives and put down resistance, mobs ran riot through Iraqi cultural institutions, including the National Museum and several libraries. Looting merged with violent expressions of hatred for Saddam's Ba'athist regime. Exhibits were smashed, books burned, computers stolen, and records destroyed; the looters made off with a massive number of priceless and irreplaceable artifacts. In fact, early wire dispatches pegged the National Museum as a complete loss: all 170,000 items just...gone.

And that was only in Baghdad. Elsewhere in Iraq, similar desperate scenes played out. The museum at Mosul was sacked, and dozens of key archaeological sites—including ancient Nineveh and Nimrud digs—were looted, often using heavy equipment. In late May, reporter Edmund Andrews wrote in *The New York Times* of looting that was still going on at an archaeological site near Isan Bakhriat. A man who had been the site's armed guard under Saddam's rule watched helplessly as local villagers started pillaging. In one morning alone, looters dug out two urns, a vase, a statue leg, and a number of engraved artifacts. "In two weeks, they have ruined all the work that was done over 15 years," said archaeologist Susanne Osthoff, who had been part of the original excavation team.

Students of antiquity were understandably upset, and grief quickly turned to finger pointing. "Why didn't they stick a tank there?" asks Ellen Herscher, chair of the Cultural Property Legislation and Policy Committee of the Archaeological Institute of America. In an interview with **reason**, Herscher called for a full investigation to help prevent future wartime disasters. Although she says she would never want to second-guess the actions of the troops on the ground, Herscher echoes a familiar grievance-laden refrain of many archaeologists: Why did the troops manage to secure the oil ministry but not the museum?

The total-cultural-destruction scenario received massive play in the press, in part because it was an apparently legitimate story, and in part because it was a handy stick for the war's critics. A *Doonesbury* character sold a plundered scroll on eBay. *New York Times* columnist Frank Rich wrote that "America stood idly by while much of the heritage of that civilization...was being destroyed." Rich, unsurprisingly, used the looting to criticize the barren wasteland that passes for U.S. culture: "Goodbye, dreary old antiquity! Hello, 'Friends'!"

One of the notable aspects of total-destruction fantasies, however, is how rarely they pan out. Eventually, a very different picture emerged from Iraq. Yes, the National Museum was looted, but the staff had already removed most of the items from the display area. Most items were spared, and calls by imams to return museum pieces had a remarkable effect. In several cases, we've seen the entertaining phenomenon of "pre-emptive looters": Iraqis who explain that they only took stuff to keep other people from taking it, or to keep it out of the hands of some museum directors, who were thought to be too close to Saddam. As for the American "failure" to protect the museum, evidence uncovered by the BBC supports U.S. claims that its forces avoided the site because Ba'athist loyalists were using the museum as a defensive stronghold.

Adding evidence for the view that the looting scandal is as much about ideology as tragedy, several pro-war

Looted Iraqi museum, Agence France Presse

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commentators seized on a line in a June 9 *Washington Post* story and radically misread it to claim there were only "33 items missing" from the National Museum. And according to a story in *The Times* of London, there was a pitched gunfight next to the museum in which Iraqi soldiers used the museum like a hostage. Thus, in the minds of many, total destruction and malignant American neglect became, "Nothing happened here, move along."

But something *did* happen. Even the *Post* story pegged the number of missing antiquities at 3,000. As of late June, many archaeologists in Iraq regarded that number as optimistic, with the suspected total running to twice or three times that. (Depending on whom you believe, the discrepancy between the early figure of 170,000 and the current estimates occurred either because the foreign journalists misunderstood what the Iraqi curators were saying or because the Iraqis were initially very inventive with their estimates.)

The revised version of the National Museum story is good news, but it is tempered by the knowledge that thousands of its items were professionally looted and will be very difficult to retrieve; that museum records are in disarray; that site looting continues to be a major, underreported problem; and that Ba'athist cronies had already taken away a great number of important antiquities well before the hostilities commenced. (The best story to emerge from the whole farrago is the fact that Hussein put his belly-dancing former mistress in charge of the antiquities market in the north. That must have been some shimmy.) The looting of Iraq's cultural resources is a real and continuing problem, one which will resonate far beyond the bounds of ancient Mesopotamia.

It's unfortunate that the antiquities issue became grist for the domestic squabbles of the U.S., because the controversy obscured a much more interesting and long-running conflict within the profession of archaeology, one with ramifications that are anything but academic. Everyone agreed that what happened in Iraq was a tragedy. With the news that the National's catalog might have been destroyed, several independent efforts were launched to reconstruct it from records at other museums and post the results on the Internet. But there the consensus splintered into two schools of thought.

A pair of late April op-ed pieces in *The Wall Street Journal* by Hershel Shanks, publisher of *Biblical Archaeology Review* (*BAR*) and *Archaeology Odyssey*, and André Emmerich, a longtime collector of antiquities, made several parallel points: 1) The law would probably not be an effective remedy in recovering many of the looted items; 2) a buyback program should be instituted in Iraq, quickly; 3) internationally, the aid of dealers and collectors should be sought to ransom whatever items make it through Iraq's borders; 4) the "archaeological establishment" is not being realistic about how to deal with this problem; and 5) in the future, archaeology will have to find a way to use markets rather than fight them.

The current approach is vastly different. In the U.S., the Archaeological Institute of America (AIA) has urged that Iraq's borders be sealed and that the U.N. and the U.S. condemn the theft and establish a worldwide ban on the trade of Iraqi

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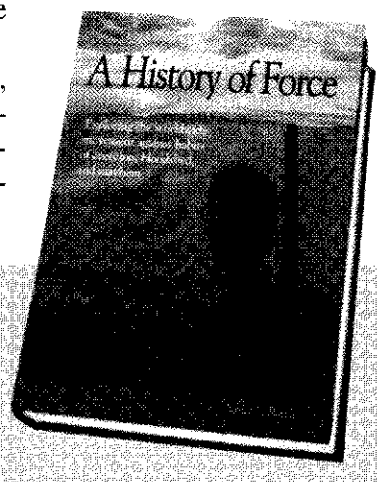

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antiquities. Before the anti-anti-looting backlash, archaeologists were hopeful that the U.S. would finally ratify the Hague Protocols relating to cultural property. These would transfer even more of the burden of protecting antiquities onto invading armies, a prospect that isn't likely to fly with the Bush administration. University of Virginia archaeologist Malcolm Bell, an AIA officer, strongly urged antiquities collectors to declare the items in their collections *now* in order to better weather future crackdowns.

To be fair, there was some overlap between the supposedly hidebound AIA and its more market-savvy critics. Most establishment archaeologists supported a limited buyback program, though they are loath to label it as such. "We're calling it more of a rewards program," says the AIA's Herscher in an interview. Even modest cash payments within the bounds of Iraq set off paroxysms of hand wringing. Several archaeologists expressed concern about fueling the dreaded international antiquities markets. In fact, they sometimes seem more concerned about not enriching collectors than about recovering the artifacts. When I asked for a reaction to Emmerich's *Journal* argument, one AIA member responded with a hissing sound.

That reaction is understandable. Cambridge's Neil Brodie spelled out the extent of the looting that followed the first war with Iraq in the July/August issue of the AIA's glossy magazine, *Archaeology*. In the three years following the 1991 war, 10 regional museums were attacked and looted. More than 3,000 items were taken, and smuggling methods and connections were tried, tested, and refined. Established trade routes likely exist through Iran, Turkey, Jordan, Saudi Arabia, and Syria, leading to various European and Asian countries, Israel, and America. As Brodie put it: "No one can blame the Iraqis for believing that their museums were modern treasure houses—in a sense, they were."

Yet looted material from museums was only a small part of the overall trade. One of the few forms of ready cash during the years of the debilitating, decade-long sanctions regime against Iraq came from artifact sales. In defiance of the Ba'athist government, which occasionally executed looters, and of U.N. Security Council resolutions, an extensive black market in Iraqi antiquities was in place before the recent scandal. The Iraqi antiquities that ended up for sale on eBay were likely from this earlier period. By 1997, enough antiquities had been seized at the Iraq-Jordan border to have their own exhibit at the National.

If used properly, markets could help preserve artifacts, reduce looting, and expand the number of digs. It's a virtuous circle waiting to happen.

Nor are Iraq's looting problems unique. In the last dozen or so years, museums in Afghanistan, Somalia, and Kuwait have been sacked. Site looting is the order of the day anywhere poor people find themselves sitting on land that is less valuable than what is underneath the soil. In an interview, Hershel Shanks described a conversation with an Italian museum curator to illustrate the point: "I said to him, in certain places in Italy they've been looting tombs for three generations. He said, 'No. Four.'" For Shanks, the exchange embodies a certain bitter truth: To archaeologists, site looting is more damaging than sacking museums. At least in the case of the latter, the items have been excavated using methods that allow scholars to compare notes. The information can survive the loss or the destruction of the object, but haphazard, undocumented looting deprives future generations of important tools for reconstructing the past.

The modern archaeological establishment has responded to the threat of markets by lobbying governments to disrupt the flow of antiquities across borders, and to crack down on collectors and dealers. They may have occasional legislative successes—Switzerland recently tightened its notoriously loose antiquities laws, for example—but the most likely result will be a slight reduction in trade volume, and even that much is uncertain. Historically, governments have not proven to be very good at preservation.

Reducing the flow of illicit goods would do precious little to fix some of the other problems that plague professional archaeology, including a chronic lack of funding for digs, and of the time and money needed to service large collections of artifacts. One of the reasons the details from the National Museum are still so sketchy is that thousands of items were still awaiting documentation. As with many museums, the National had (and continues to have) thousands of items deteriorating in storage in the hope that someone might someday pull them out and catalog them before sticking them back on the shelf. At any given time, Iraq's premier cultural institution could show-

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case perhaps 8,000 items from its 170,000-piece collection. Practically, this means that most items will never see the light of archivists' flashbulbs.

Shanks argues that from the point of view of archaeology, collectors can be either "good" or "bad," and that a lot of the collectors' actions depend on what archaeologists choose to do as a profession. That means that both law and the field of archaeology should carve out a place where collectors and potential looters can funnel their energies. There are many possible ways to structure such an arrangement. Shanks, for example, has suggested giving responsibility for major sites to private companies that would ensure the sites' security in exchange for an opportunity to trade in duplicate finds.

Potential looters should be hired and supervised by archaeologists (a perfectly common arrangement in archaeology's past), who could pay for the digs by getting collectors to sponsor them or by selling many of the items afterwards, after they've been studied and cataloged. Emmerich argues, and Shanks concurs, that many duplicate pots and artifacts currently sitting in museum storage should be sold to private collectors, who would be more likely to properly maintain and display them, and who might keep their own property safe in a time of looting.

A less antagonistic arrangement would be ideal for archaeologists, for collectors, and for the nations that are so rich with physical evidence of ancient cultures. Archaeology is more interested in the information that the artifacts provide than in the artifacts themselves. By controlling the excavations and thoroughly documenting finds, archaeologists could get all the necessary information. Collectors could get access to artifacts that interest them, especially duplicate objects that are otherwise sent into eternal storage, without risking forgeries, lawsuits, or public denunciation. Countries of origin could require that a minimum percentage of the antiquities found (including all unique objects) be donated to their museums, which would both enrich their collections and boost their reputations. The possibility of continuous employment—along with the occasional payout for important finds and no risk of being shot or hanged—might persuade the locals to go along with an ordered excavation instead of looting.

These proposals are neither new nor untested. Shanks likes to point out that the Dead Sea Scrolls were found and dug out by people we'd now consider looters. Archaeologists responded by buying the scrolls from antiquities dealers, then hiring the Bedouins to help them further excavate the fragments of this ancient library. Many museums in the U.S. and other countries have Iraqi antiquities today because they agreed to finance digs with the understanding that they could keep half the artifacts.

Much of what happens in the next few years will depend on the actions of the archaeological establishment. Right now, an anti-collector, anti-market bias remains pervasive. That may be a majority position, or it could be that, as pro-market archaeology types would have it, a loud minority only makes it sound that way. In either event, the utility of this attitude is far from clear. If used properly, markets could help preserve artifacts, reduce looting, and expand the number of digs. It's a virtuous circle waiting to happen.

Regarding the current problem in Iraq, the University of Virginia's Bell admits much of the recovery effort will "depend on the principles that govern the behavior of dealers and collectors." He hopes they will help recover the items, but that would seem rather less likely to occur if the AIA's recommended import/export ban is ratified by Congress. In that case, the items likely will be unloaded on less scrupulous dealers and disappear into the hands of very discreet collectors, leaving them outside the scope of professional study for our lifetimes. ▮

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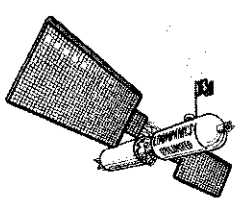

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Uncritical Masses

Was the public too stupid to oppose the war in Iraq?

Brendan O'Neill

Weapons of Mass Deception: The Uses of Propaganda in Bush's War on Iraq, by Sheldon Rampton and John Stauber, New York: J.P. Tarcher, 176 pages, $11.95

WAS THE PUBLIC "deceived" into supporting the war in Iraq? Did President George W. Bush and Defense Secretary Donald Rumsfeld seduce and manipulate us with bright colors and loud noises, with hypnotic morality tales about why Saddam is bad and America is good? Did some—even most—people support the war because they are "Moron-Americans"

Some in the anti-war movement verge on blaming ordinary people for allowing the war in Iraq to go ahead, while absolving themselves of responsibility for the degraded state of public debate.

or "Moron-Brits," whose brains have been "addled by the relentless assertion...that Bush is 'honest and trustworthy'"?

For many liberal and left-wing critics, the main reason Bush got away with his Iraqi venture is that most people were won over by a campaign of mass deception. Ordinary Joes (or perhaps "stupid white men") apparently fell victim to what journalist and historian Anatol Lieven has called "a propaganda program which for systematic mendacity has few parallels in peacetime democracies." According to Brian Eno, the music producer turned political commentator, the Iraq war showed that "the new American approach to social control is so much more sophisticated and pervasive" that "it's not so much the control of what we think, but the control of what we think about." This isn't just propaganda, Eno wrote in the UK *Observer*: it's "prop-agenda."

Maybe I missed something, but I don't recall a history-making propaganda show in the run-up to the Iraq war. I do remember the Bush administration, Tony Blair's government, and right-wing groups flailing around for some justification for their squalid war—latching onto unconvincing claims that Saddam had links with Al Qaeda and that he could launch his weapons of mass destruction at 45 minutes' notice, even falling back on video clips of the Ba'athists' 1988 chemical attack on the Kurds of Halabja in an attempt to convince us that regime change in Iraq would be good and proper. This looked less like "prop-agenda" than a desperate cobbling together of "evidence" that might win favor for Gulf War II.

Why then, in the months since the war ended, have many on the left talked up Bush and Blair's "propaganda assault," which allegedly "duped" us all? Behind this critique of Washington and London's lies, there sometimes appears a disdain for the masses, who apparently fell for such lies, and a dodging of responsibility for having failed to challenge the war in the first place. Liberals' postwar focus on the prewar fibs shows that there's a thin line between taking leaders to task for their wartime propaganda and berating the public for being fickle and gullible. At times, some in the anti-war movement verge on blaming ordinary people for allowing the war in Iraq to go ahead, while absolving themselves of responsibility for the degraded state of public debate.

Consider *Weapons of Mass Deception: The Uses of Propaganda in Bush's War on Iraq*, by Sheldon Rampton and John Stauber, which has won rave reviews in America's and Britain's liberal broadsheets. This book is enlightening and infuriating in equal measure. For those of us who are anti-war, there are some explosive findings in

Napster logo, www.napster.com

Welcome Back, Napster

All power to the audience

Nick Gillespie

Here's a special reason to be happy that Napster, the notorious outlaw file-sharing system that took a long, court-ordered hiatus, has returned as a major-label-backed enterprise offering single-track downloads for 99 cents. The new—some might say neutered—Napster makes it that much easier for music lovers everywhere to never, ever again have to suffer through "Lily, Rosemary, and the Jack of Hearts," the execrable and boring song that all but ruins one of the great albums of the rock era, Bob Dylan's *Blood on the Tracks* (1975).

Napster and its industry-approved counterparts, such as iTunes, RealOne Rhapsody, and Pressplay, accomplish this feat by focusing the Internet dynamic of "disintermediation"—cutting out middlemen and empowering cultural consumers over producers—on pop albums. Like their unauthorized predecessors, these services de-bundle music CDs and let listeners purchase only the songs they want. That means that I can plunk down a few dollars and easily create »

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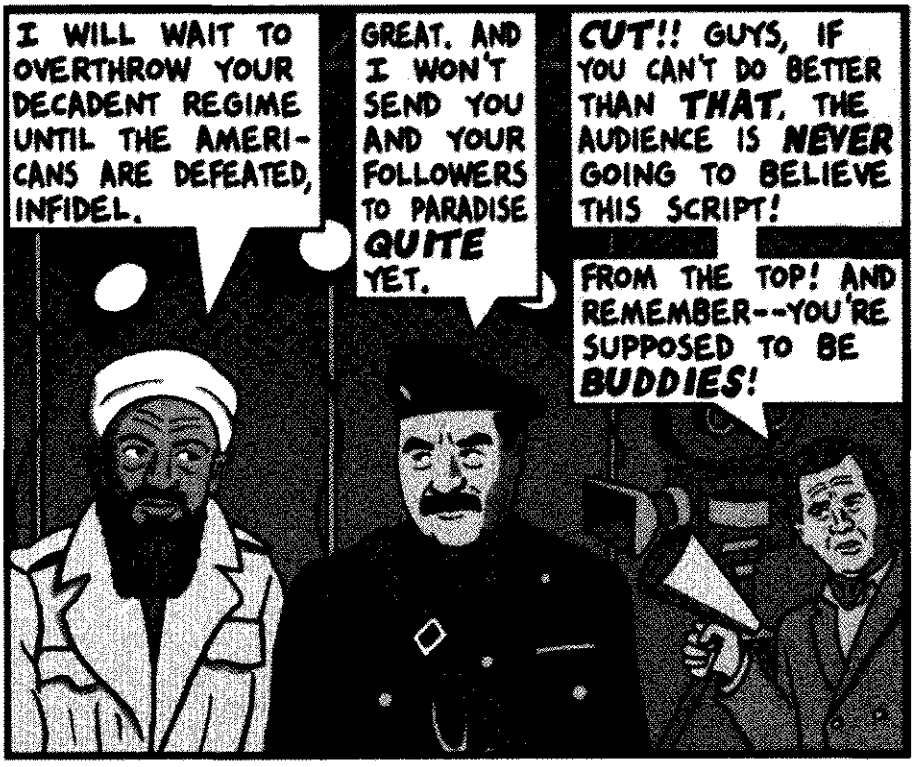
Rampton and Stauber's research. They detail how an American public relations firm helped create the Iraqi National Congress, then promoted it as the democratic voice of Iraq; they revisit in detail the "babies thrown from incubators" story of Gulf War I, explaining how it was the creation of the P.R. firm Hill & Knowlton; and they shatter the recurring myth that Mohammed Atta, the alleged Al Qaeda kingpin of the September 11 attacks, met with an Iraqi intelligence officer in Prague in April 2001. At its best, *Weapons of Mass Deception* is a powerful antidote to the opportunism of the pro-war right.

Yet Rampton and Stauber's conclusions can be unsettling. They argue that Bush's war lies had something like a hypnotic effect, taking over the American people's minds and making them think what their political masters wanted them to think. They claim the public's "erroneous beliefs" about Iraq are the result of a "steady drumbeat of allegations and insinuations from the Bush administration, pro-war think tanks and commentators." Apparently, myths are transferred into our minds through "sheer repetition," whereby, for example, "simply by mentioning Iraq and al-Qaeda together in the same sentence, over and over, the message got through," and people eventually believed that "Iraq posed an imminent peril."

For Rampton and Stauber, propaganda can sneak past our consciousness and slyly plant itself in our thinking patterns: "Since propaganda is often aimed at persuading people to do things that are not in their own best interests, it frequently seeks to bypass the rational brain altogether and manipulate us on a more primitive level, appealing to emotional symbolism." They compare war lies to TV advertising, which "uses sudden, loud noises to provoke a startled response, bright colors, violence—not because these things are inherently appealing but because they catch our attention and keep us watching." According to Rampton and Stauber, propaganda "can make people do things that they would not do if they were thinking rationally"—the implication being that, in the run-up to the war in Iraq, Americans ditched rationality and fell for the bright colors.

Such arguments are deeply patronizing. They present people as blank slates onto which evil leaders project their prejudices. In this view of propaganda as a one-way relationship—where the men in charge infect the nation's collective mind with lies, damned lies, and yet more lies—something important is overlooked: Our ability to judge the evidence for ourselves, to weigh politicians' claims, and to make a reasoned assessment as to whether we should support a course of action. With their references to "loud noises" and "bright colors," Rampton and Stauber reduce the proverbial thinking man to the level of a toddler watching *Teletubbies*, getting excited by repetition, flashing lights, and simple messages.

This doubt about our ability to engage ideas and to reject the ridiculous ran through many debates within the anti-war lobby. In response to a June 2003 poll that found that British people appear to be more critical of Blair than Americans are of Bush, the left-leaning media watchdog Web site Media Whores Online argued: "The reason is that because of our failed national media, there is now a significantly greater proportion of Moron-Americans here than Moron-Brits there. The brains of a majority of the American people have been addled...." In a discussion forum on why a majority of Americans supported the war, one woman wrote: "I have long maintained that


I WILL WAIT TO OVERTHROW YOUR DECADENT REGIME UNTIL THE AMERICANS ARE DEFEATED, INFIDEL.
GREAT. AND I WON'T SEND YOU AND YOUR FOLLOWERS TO PARADISE QUITE YET.
CUT!! GUYS, IF YOU CAN'T DO BETTER THAN THAT, THE AUDIENCE IS NEVER GOING TO BELIEVE THIS SCRIPT!
FROM THE TOP! AND REMEMBER--YOU'RE SUPPOSED TO BE BUDDIES!

Weapons of Mass Deception (cover detail)

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mush-minded Americans are no longer capable of thinking for themselves. What they think is controlled by the media who are lap dogs of the government."

Here in Britain, Blair's former secretary of state for international development, Clare Short, claimed she and the British public had been "duped all along" by Blair's famously dodgy dossiers—a dupe being a "person who functions as the tool of another person or power." Thanks, Clare. Brian Eno argues that American P.R. companies "preconditioned the emotional landscape," indulged in "large-scale manipulation of language," and helped to "create an atmosphere of simmering panic where American imperialism would come to seem not only acceptable but right, obvious, inevitable and even somehow kind." And the masses—stupid ignoramuses that we are—fell for it. Reading Eno and Company's cheap "insights" into the Iraq war brings to mind Boy George's silly 1984 ditty "The War Song": "War is stupid/And people are stupid..."

These postwar arguments not only suggest a disregard for the public. They also give the pro-war lobby more credit than it deserves. Bush, Rumsfeld, and the rest did not put forward a case so convincing that people were cheering for war; rather, they cut-and-pasted anecdotal evidence with rhetorical bluster in an attempt to win our backing. The public often met their claims with a heavy dose of skepticism. Yet the left's arguments about America's all-powerful propaganda portray Bush and Rummy as mind-controlling supermen.

The left's focus on the power of propaganda also represents the worst of the "Not in My Name" approach to opposing war, in which critics throw their hands in the air at what is happening around them rather than trying to challenge the drift of events and make an impact for the better. Instead of putting forth convincing, popular arguments against American and British intervention abroad, too many opponents of the war, especially on the left, despaired over the apparently insurmountable combination of propaganda and the gullibility of the masses. If they really want to know why Bush and Blair got away with their lame war stories, maybe they should look a little closer to home.

Of course propaganda can be persuasive, sometimes even decisive, for individuals making up their minds over whether to support a war, a political party, or whatever. But the influence of propaganda is determined by the broader political climate and by the general level of public debate. In a healthy, critical climate, it is likely that Bush and Blair would have received even more ridicule for their Iraqi propaganda. But at a time when serious political debate is hard to find, our leaders can offer dodgy dossiers and half-cocked claims as if they were good coin. In short, it is often the weakness of the opposition that allows leaders to take their chances with paltry propaganda.

Liberals and the left must shoulder their fair share of the responsibility for the degraded discussion over Iraq and for the opinion polls that suggest a majority of Americans and Britons supported the war. If those who are anti-war spent less time wringing their hands over Big Bad Bush and the fickle people, and more time developing a coherent case against war, then maybe we wouldn't be in the mess we are in now. Surely the pro-war lobby is best challenged by being shouted at, rather than shouted about. ▪

Brendan O'Neill is assistant editor of the London-based Spiked (www.spiked-online.com).

a cheap, customized version of *Blood on the Tracks*, one that includes highlights (to me, anyway) such as "Tangled Up In Blue," "Simple Twist of Fate," and "Idiot Wind." Better still, it means I can definitively skip "Lily," a nine-minute-long, tub-thumping Old West ballad about a whore, a diamond mine owner, and a suspiciously high-tech bank robbery. No more cringing at desperate rhymes such as "Be careful not to touch the wall, there's a brand new coat of paint/I'm glad to see you're still alive, you're looking like a saint" and "He went to get the hanging judge but the hanging judge was drunk/As the leading actor hurried by in the costume of a monk." Sweet freedom, indeed.

To be sure, this sort of liberation from the dictates of uneven artists and rapacious record labels is not new. One of the great things about the cassette tape decks that first became widely available in the '70s was precisely that they allowed people to make personal mixes of prerecorded music. That's something that has only become easier as more technologies allow individuals not simply to copy music but to repurpose it in an infinite number of ways.

Napster and the rest make it that much simpler—and in a fully legal setting. While their offerings are still meager (though growing), these services are an open admission by labels and artists that the terms of cultural exchange have been radically altered in »

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Self Delusions

Does morality require a soul?

Julian Sanchez

The Problem of the Soul: Two Visions of Mind and How to Reconcile Them, by Owen Flanagan, New York: Basic Books, 364 pages, $27.50

HUMANISTS HAVE ALWAYS eyed science a bit warily. Just over a century after the 1687 publication of Newton's *Principia*, we find Wordsworth complaining, "Our meddling intellect / Mis-shapes the beauteous forms of things:— / We murder to dissect." His Romantic fellow traveler Keats, disturbed that science had included even the rainbow in "the dull catalogue of common things," lamented that physics and philosophy would "clip an Angel's wings, / Conquer all mysteries by rule and line..."

Such concerns now seem a bit quaint: Few of us think rainbows any less pretty for being understood as refracted light. But if optics has lost its terrors, many remain uneasy when we begin to focus the scientific lens on ourselves. Do physics, neurology, and biochemistry leave *any* room for theology and spirituality? Can we continue to think of ourselves as beings endowed with free will and distinguished from the rest of the animal world by our immortal souls?

Well, no, we can't, for reasons laid out with brutal precision in Owen Flanagan's *The Problem of the Soul*. Flanagan, who holds professorships at Duke University in philosophy, neuroscience, and psychology, brings all three disciplines to bear in a tightly argued quest for rapprochement between the "manifest image" of the self inherited from millennia of philosophy and the very different image presented by contemporary philosophy and neuroscience. As scientists continue to confirm that human beings are just an especially clever species of animal, philosophers have hammered away at the old picture of the mind as an immaterial, unconstrained substance for which the body is merely a fleshy garment.

On the scientific front, souls seem increasingly in danger of being banished to the trash heap of redundant hypotheses. The problems on the philosophical end are, in a sense, still more disturbing to the conventional picture, because they go to the conceptual root of the manifest image. Many philosophers now believe that radical free will or fixed "true selves" are incoherent concepts.

It would be a mistake to suppose that the tension between the two worldviews presents a problem only for religious believers. As Flanagan notes, the manifest image has so permeated Western culture that even avowed secularists are likely to have at least implicitly adopted parts of it. Core tenets of liberalism, such as the emphasis on free, autonomous choice and individual rights, were originally closely tied to the Christian doctrine of the salvation of the individual soul and still bear the mark of that origin. Indeed, in a thoroughly secular age, the main challenge of Flanagan's book is really directed at people who trace their political ideology to the Enlightenment's classical liberal tradition.

Fragments of the manifest image show up in the most unlikely places. The aggressively atheistic Ayn Rand grounded her theory of enlightened self-interest on the premise that there's something uniquely rational about making decisions on the basis of one's interests over the course of an entire lifetime. That position becomes more difficult to sustain when we cannot appeal to a transcendent permanent "self," a subject of experience who remains "the same person" from childhood through old age. We can't identify that self with the contents of the mind or any specific personality traits, since those are always subject to change. But something more general, such as formal or structural features of the mind, would leave nothing to distinguish one person's self or soul from another's.

Flanagan endorses the view that there is no "further fact" of personal identity. When you strip away all of a person's experiences, memories, thoughts, and dispositions, there is no "self" left over who has all these things: The person just *is* these things. Yet Flanagan underplays the consequences of adopting this view. Among other things, it means that you may not have any reason either to care about the welfare of your future self or to feel bound by contracts or agreements made by your past self. Our inclination now is to create those reasons, partly out of a desire to situate ourselves in some coherent life narrative, but probably also because the idea of the persisting self or soul continues to influence the way we conceive ourselves. Whether that conception and the reasons it generates will outlast the manifest image remains to be seen.

The human capacity for free choice is another cornerstone of liberal thought that seems threatened by a thoroughly naturalized conception of persons. Real choices are supposed to be undetermined by what came before. When I make a genuinely free decision, no set of antecedent causes predetermines what I *must* do. But an exercise of free will is also supposed

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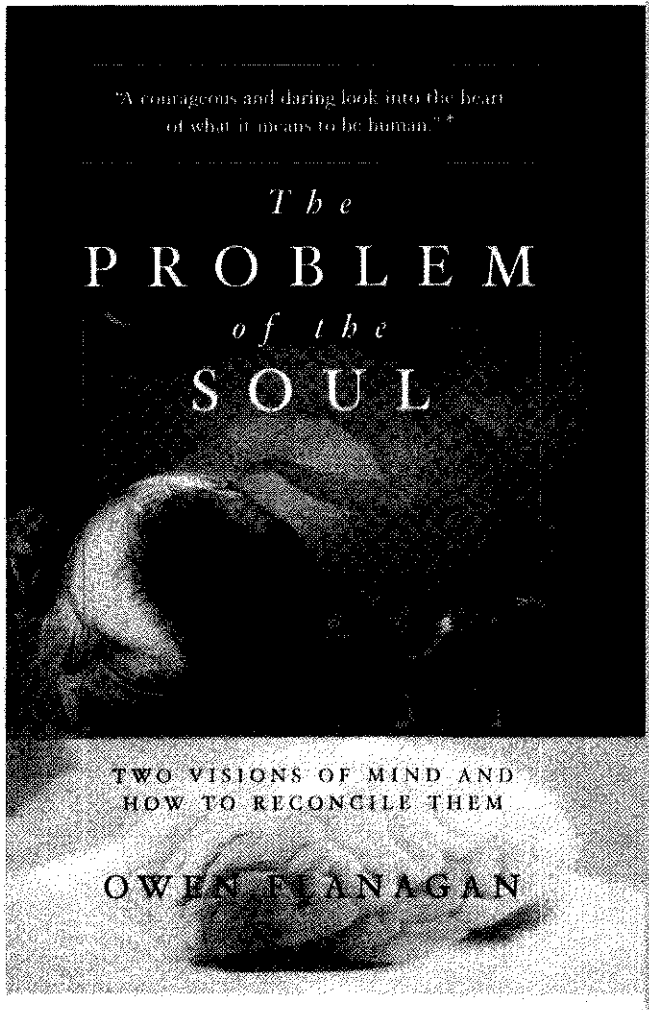
to be something that the agent does, not merely something that happens. It would not count as an act of free will if some nondeterministic quantum fluctuation in my brain caused me to do good rather than evil. These two conditions—indeterminacy and authorship—together define free will as traditionally conceived; but as Flanagan observes, they are mutually incompatible. To the extent that my actions are undetermined—that I could have turned right just as easily as left—they are not bound to any of my own past mental states. To the extent that my own experience and reasoning do explain my actions, those actions are determined and, therefore, not "free" in the radical sense.

Free will may be conceptually incoherent, but some believe that its denial is equally self-undermining. For instance, libertarian author Sheldon Richman has written that to "announce that one cannot freely choose is to announce that one is not really speaking but only making random noises by electrochemical necessity." If we don't believe in free will, the argument runs, then we cannot trust the reasoning that led us to that conclusion, since it is only the upshot of a physical process that would inexorably give rise to the belief whether it were true or not. To see why this is wrong, consider computers, which nobody thinks are endowed with free will. Not only are they capable of generating true conclusions by acting on perfectly deterministic rules, but the determinism is a crucial part of our confidence in their accuracy. Would you be more inclined to trust the calculations of a math program that could "freely choose" to spit out any answer, in defiance of the rigid laws of arithmetic? When we look closely, it becomes clear that free choice could play no important role in conveying meaning or inferring truth.

Resistance to these ideas, Flanagan believes, is largely a function of the discomfort they inspire. People cling to the manifest image not because it is defensible but because we fear that our lives lose meaning without it. *The Problem of the Soul* aspires to provide therapy along with argument, to convince us that the truth is nothing to fear: There isn't a Santa Claus, but it turns out you get presents anyway.

There is an unmistakably Wittgensteinian flavor to this approach, an attempt to dissolve the apparent problems generated when "language goes on holiday." We have no problem talking about "choice" or the "self" in everyday contexts, but when we attempt to construct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The
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TWO VISIONS OF MIND AND HOW TO RECONCILE THEM
OWEN FLANAGAN

The Problem of the Soul (cover)

favor of the consumer.

For much of the 1950s and '60s, most pop LPs had been collections of hits or, more commonly, one or two popular songs surrounded by what everyone—label, artist, and listener alike—knew was throwaway filler. By the mid-'60s, however, a different type of oppression reigned supreme.

Performers increasingly saw themselves as visionary geniuses and, especially in the wake of the Beatles' *Sgt. Pepper's Lonely Hearts Club Band*, they began releasing self-styled song series that gestured toward some sort of grand, if typically inscrutable, aesthetic and thematic unity. Even when they weren't full-blown concept albums or (God forbid) rock operas, post-*Pepper's* LPs demanded to be experienced in full, to skip tracks or to listen to them out of order was like screwing with Shakespeare. There was shame not just in being a "singles band" but in being a "singles fan."

Given the greater critical acclaim and bigger profit margins for LPs, it's clear that artists and labels benefited from the shift away from singles and toward albums. Taking the long view, that's when singles started being phased out as a consumer option, something that was effectively accomplished over the past several years. According to industry figures, about 109 million CD and cassette singles were shipped to retailers in 1997, a figure that had dropped to 4 million in 2002 before rebounding some »

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philosophical theories about "free will" and "personal identity," we go astray. When our map proves to be badly drawn, we mistakenly think this means the territory doesn't exist. We are in the position of medieval astronomers who fear that if the Copernican theory of the solar system is true, "the earth" as we have conceived it does not exist. Yet the ground is still there beneath our feet.

Even so, Flanagan cannot quite claim, as Ludwig Wittgenstein did, that his analysis "leaves everything as it is." On the contrary, Flanagan expects that a more naturalized conception of persons will "dislodge some of our individualistic ways of thinking and acting." One sense in which Flanagan intends this is quite conducive to liberal values. Just as for Socrates the beginning of wisdom consisted in acknowledging one's ignorance, recognizing that our behavior is often automatic and socially conditioned may help us to be, if not more "free," then at least more reflective in our actions.

Often, though, the recognition that we are not radically free in some metaphysical sense is taken to undermine classical liberal views about justice. Perhaps the case for retributive punishment—punishment for its own sake—is weakened, but it would surely be a mistake to conclude that only radical freedom would make it appropriate to hold people responsible for their actions.

F.A. Hayek, who called free will a "phantom problem," turned that view on its head, observing that if we truly had free will, there would be no point in holding people responsible. What are praise and blame, after all, but attempts to causally shape the behavior of others? One might add, how could we simultaneously deny responsibility to others while acknowledging that we would deserve blame if we punished them inappropriately?

Similarly, critics of liberalism—and some liberals as well—believe that disparities of wealth and income are justified only if the well off "deserve" what they have in some deep sense. But as the late philosopher Robert Nozick observed, there are many things to which we are entitled, even though they are not deserved "all the way down." Being born with two working eyes is an accident of fate, not something the sighted have done anything to "deserve."

It does not follow that our eyes are up for grabs, subject to political reallocation. Our decisions—our capacities and the uses we make of them—are as much a constitutive

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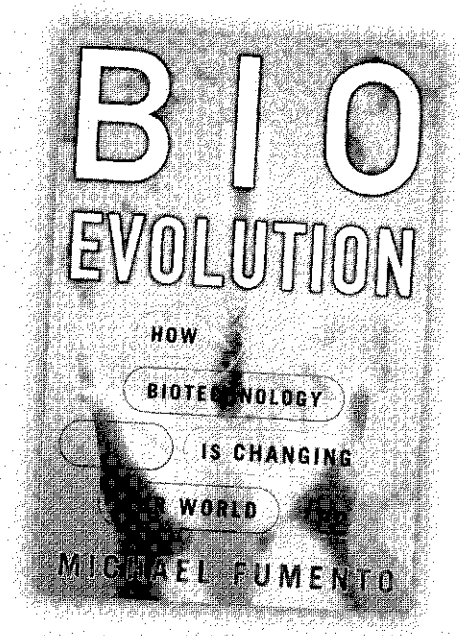

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part of us as our bodies. Respect for embodied persons still requires deference to our "unfree" choices and their consequences.

The account of morality given in *The Problem of the Soul* is emotivist: "Good" and "bad" are expressions of approval and disapproval, and saying that "murder is wrong" is tantamount to exclaiming "boo, murder!" It is here that Flanagan's claim to leave the core of what we care about intact is least plausible, but he does make a good case that the demand for some more transcendent basis for ethics is misplaced. What we seem to want

> We have no problem talking about "choice" or the "self" in everyday contexts, but when we attempt to construct philosophical theories about "free will" and "personal identity," we go astray.

in ethics is what Nozick would have called a "coercive" argument—one so powerful that it must be accepted, even by a full-blown moral skeptic. But this is too much to ask, and it is more than we ask in the epistemic realm, where our situation with respect to a radical skeptic is perfectly analogous. There is nothing we can say to someone who rejects the axioms and inference rules of deductive logic without begging the question. Similarly, there is no deductive proof that induction—inference from past evidence to future occurrences—is valid. There's something obviously circular about asserting that we're entitled to inductive inferences on the grounds that they've worked pretty well for us so far.

If this seems comforting, it is probably because truly radical skeptics about either morality or logic are in short supply. But we do regularly face the problem of moral disagreement. Evolution gives us reason to expect that the most basic moral sentiments will be as universal as the ability to appreciate logic, but this still leaves the tricky moral details radically unsettled. Yes, we can all agree with Flanagan that murder and rape are bad, but where does that leave us with respect to the more subtle questions that are the focus of real debate?

Saying, as Flanagan does, that ethics should concern itself with "human flourishing" does not tell us who should flourish and to what degree. Should we be especially concerned with the worst off in society, or is it only the sum total of benefits and burdens we face, rather than their distribution across persons, that matters? How do we weigh different kinds of flourishing? Perhaps Flanagan is right that there will be no one "correct" way to answer these questions, but this means that they may ultimately have to be decided by nothing more exalted than the relative power of those who disagree.

Nevertheless, the fear that a naturalistic worldview will undermine *all* morality and meaning is exaggerated. Finding out that you are not the kind of metaphysical entity you might have thought you were doesn't make pain hurt any less, strawberries taste any worse, or love any less worth pursuing. It is not yet clear whether the more fleshed-out view we may ultimately develop will, as Flanagan believes, prove as psychologically satisfying as the one we leave behind. But if naturalism leaves us with a new set of problems in place of our old and comforting myths, it also leaves us with a new opportunity to create meaning. That, too, is a kind of freedom. ■

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what to 7.7 for the first half of 2003.

Napster, iTunes, and the rest change all that. While consumers can download whole albums for about $10 a throw, individual tracks are where all the action is, for obvious reasons. As music industry analyst Mike Goodman told *Wired News*, "An album is...two songs you like and seven or eight you don't....With a single, you're purchasing exactly what you want." As important, the new services allow listeners to get album tracks that would never be released as singles.

There's little doubt that the new, legit services will help artists and labels recoup some chunk of the $1 billion in annual losses that have been attributed to unauthorized swaps via renegade operations such as Kazaa, Grokster, and Morpheus. That's all well and good, but the real payoff is for music lovers who can now more easily get what they want. Or in the case of "Lily, Rosemary, and the Jack of Hearts," pass on what they don't. ■

Nick Gillespie (gillespie@reason.com) is **reason***'s editor-in-chief.*

Blood on the Tracks (album cover detail)

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Postal Pranksters

Counterfeit stamps as art

Jesse Walker

A few years ago in Turkey, the Chicago artist Michael Thompson and a friend were arrested for venturing too close to the Armenian border. The authorities weren't sure why anyone would go so far into the Kurdish zone, let alone some Americans who kept snapping pictures of tanks, so they were a wee bit suspicious. "We were interrogated for probably 18 hours that day," Thompson reports. "They were convinced that we were CIA."

Fortunately for Thompson, the police didn't search his car. If they had, they would have discovered several sheets of counterfeit stamps, all bearing the initials PKK—that's the Kurdish Workers Party, an underground guerrilla group—and an image of Istanbul in flames. And Thompson might have gotten stuck in a far less scenic part of the country.

It was all Garry Trudeau's fault. A decade earlier, the cartoonist had published *The 1990 Doonesbury Stamp Album*, a collection of more than 140 stamps featuring his characters. They weren't legal postage, but many readers tried to mail letters with them anyway. Some succeeded.

"People had cut them out and affixed them to envelopes and put them through the mail," recalls the 52-year-old Thompson. "And the stamps got cancelled! I thought, wow, what a brilliant idea that was. I wish I had done that." He got his chance a few weeks later, when he spotted a picture of a Bugs Bunny stamp in a magazine. He cut it out, pasted it to an envelope, and mailed it to himself. A couple of days later it arrived, duly postmarked. Excited by the anarchic pleasure of putting something over on a staid state agency, he started making pseudo-postage of his own.

Like a Dan Rostenkowski stamp, in which the disgraced Illinois congressman gazes over the slogan "Buy, Sell, Trade." And a May Day stamp, displaying not a Maypole or a worker's parade but a fiery plane crash (as in, "Mayday! Mayday!"). And a picture of Abraham Lincoln in thoughtful repose, a small gun barely visible behind his head. The caption: "Ford's Theater."

Thompson soon had a colleague: fellow Chicagoan Michael Hernandez de Luna, who brought his own sensibility to the genre. The newcomer made stamps honoring everything from Catherine the Great (a nude woman with a horse) to *Psycho* (Janet Leigh screaming); his work was engaging enough to earn a grant from the Illinois Arts Council, which didn't seem to mind that its awardee was breaking the law. Collectors bought the stamps, sometimes for more than $2,000—though both artists preferred to sell their work only after it had successfully traversed the mails.

Not all the satires are aimed at Western targets. Besides the Turkish PKK stamp, Thompson has made a caning stamp for Singapore; a Chinese stamp depicting the Tiananmen Square crackdown; a South African stamp devoted to "the necklace." (Not "necklace" as in jewelry—"necklace" as in a burning tire slung around a victim's neck.) Whenever possible, he or a confederate has attempted to mail the work from the appropriate nation. Naturally, some post offices are more easily fooled than others. "France is a really easy country," Thompson notes. "All the Western European countries are. The ones that seem to be less, uh, helpful are the ones that don't have many stamps. I've never gotten any back from Cuba." Though he tried, with a Guantanamo Bay stamp.

Of course, just because a stamp was cancelled doesn't mean the person who cancelled it thought it was legitimate. On some occasions, says the 46-year-old Hernandez de Luna, a postal worker scrawled "Fraudulent," "This is a fake," or some similar comment under his handiwork—and then cancelled it anyway. From this he concludes that he has some fans within the U.S. Postal Service.

Institutionally, though, the USPS frowns on such behavior. Both artists have been investigated for postal fraud, and Hernandez de Luna got into deeper trouble in October 2001. The country was in a panic over biological warfare, and two mail workers had died after inhaling anthrax spores. So when a stamp bearing a skull and crossbones and the word "anthrax" arrived in the Chicago post office, the place shut down until it was clear that no actual anthrax was in or on the envelope.

For the artist, it was an act of political satire. For the USPS, it was a serious crime, one carrying the threat of up to five years in prison. The government launched an investigation, notifying Hernandez de Luna by postcard. Two years have passed since then, but according to Silvia Carrier, a spokeswoman for the Postal Inspection Service, the case isn't closed. "We have an ongoing investigation," she says. "It's been presented to the U.S. attorney's office, and it's pending prosecution." The USPS doesn't think highly of fake stamps, and it's understandably upset about anything that sets off

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an anthrax scare. "We can't take any chances," Carrier comments. "People were killed. It's not a joke."

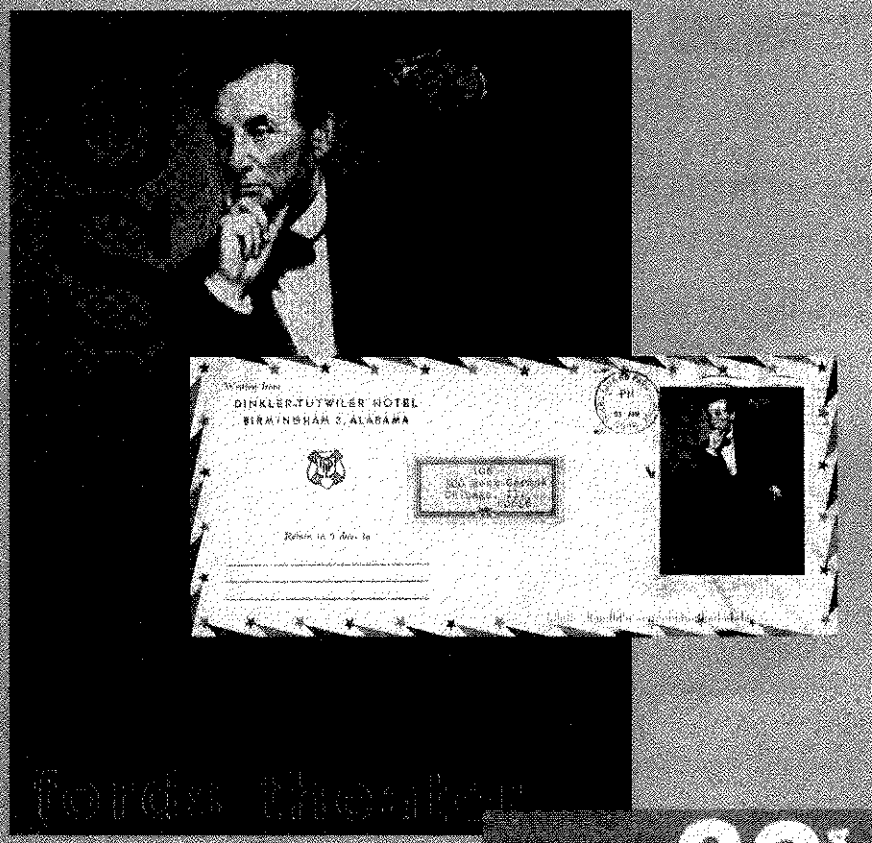
If you think the stamps are clever but aren't sure whether you condone breaking the law, take heart: Hernandez de Luna is putting together an exhibit of stamps by dozens of artists, most of them satisfied to hang their creations in a gallery rather than see if they can carry mail. It opens at Chicago's Qualiatica gallery this April, then will travel to other cities.

There's also *The Stamp Art and Postal History of Michael Thompson and Michael Hernandez de Luna* (Bad Press Books, 2001). The duo has had a falling out since the book was published, and Thompson does little stamp work these days, focusing instead on etchings, "kinetic constructions" made from erector sets, and his chief source of income, decorative kites. Hernandez de Luna uses other media too—he paints, he writes, he plays music—but stamps remain a major part of his art. "It's fun," he says.

But there's one line even he won't cross. "When we were putting together that book, we censored ourselves," says Hernandez de Luna. "We'd both used Disney images. I had done a Love stamp with Mickey and Minnie. Mickey was giving Minnie a bouquet of flowers, and he had an erection." That, he feared, would rouse the copyright police, evidently a force more fearsome than any postal investigator.

"If we used Mickey Mouse in the book, we'd get letters from Disney," he explains. "*They* don't like you monkeying around." ▯

Associate Editor Jesse Walker (jwalker@reason.com) is author of Rebels on the Air: An Alternative History of Radio in America (NYU Press, 2001).



Art: Tordos Theater, Michael Thompson, Janet Leigh and Jewelry, Michael Hernandez de Luna

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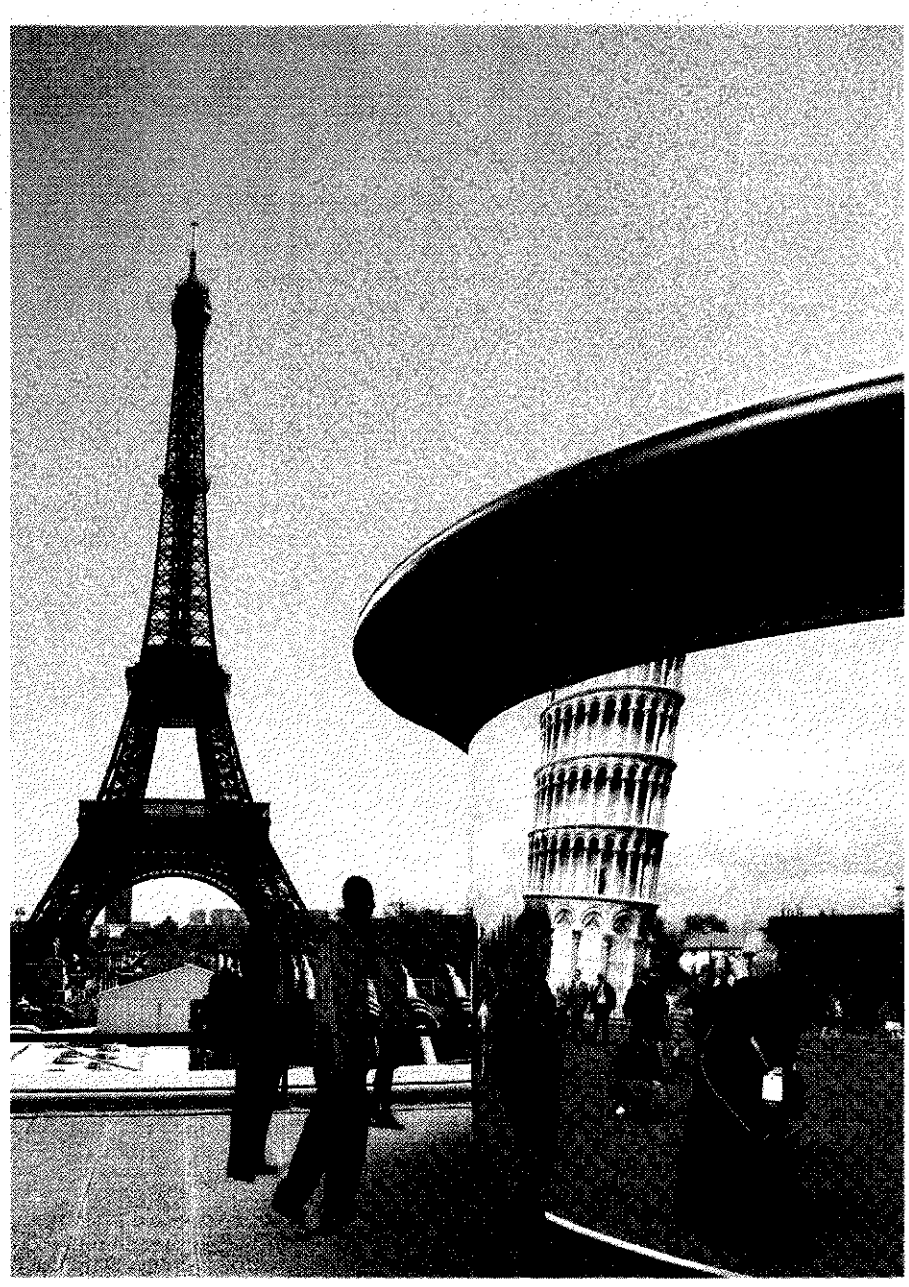
Webcam in the Round

Charles Paul Freund

BEHOLD THE THOLOS, where the webcam meets the circular, painted panorama of the 19th century. The device, which features a 23-foot wrap-around screen some 10 feet high, works in pairs: People gathered at one Tholos can see real-time, life-size HDTV images of people around a distant partner device, with microphones enabling users to converse. Invented by Austrian cameraman Andreas Traint, the first proposed pair will link Londoners and Viennese in 2004; if it attracts sufficient interest, European, North American, and Asian cities eventually will be tied into the system. The costs will be recouped through advertising.

Perhaps the most striking aspect of Tholos—the term comes from a type of Greek temple—is that (aside from the ads) its only practical function will be what its users make of it. There will be some programming (such as documentary material), but Tholos is primarily intended as a "wonder." Though it may end up as a mere novelty, it's a peculiarly modern wonder.

Unlike the circular panoramic canvases that Tholos echoes, which overpowered viewers with scenes of battle and disaster, you fill this "canvas" yourself. Like the accelerating future of which it may become a part, Tholos' wonder—and its meaning—are founded on the personal.



Proposed Tholos system in Paris. EPA Photos

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Economic Growth—the Essence of Sustainable Development

Terry L. Anderson is the Martin and Illie Anderson Senior Fellow at the Hoover Institution. Laura E. Huggins is a research fellow at the Hoover Institution.

Thirty years ago, a group of academics known as the Club of Rome put forth the "limits to growth" theory, predicting disaster for humankind unless natural resource–depleting economic and technological progress were abandoned. This gloom-and-doom theory has been resurrected under the guise of sustainable development, calling for changes in virtually every aspect of our consumption and production.

"Sustainability," a seductive though vague term, argues that resource use today should leave future generations at least as well off as current generations. Of course nobody wants to make future generations poorer and less healthy, but this definition provides no guidance for how this result can be avoided. There is no way to know what resource use is acceptable today and no way to know what future generations may desire. Yet because of its deceptive simplicity, sustainability is applied to anything from agricultural practices to energy use to mining.

Implicit in the calls for sustainable development are two fundamental assumptions. The first is that we are running out of resources, thus leaving future generations with less; the second is that market processes are the cause of these depletions. But in fact, several studies offer evidence suggesting the opposite.

Resources are becoming less, not more, scarce. Agricultural yields for rice, corn, and wheat have increased for decades. Known reserves of oil, natural gas, and coal have been expanding, and accessible stocks of aluminum, zinc, iron, and copper have grown as technology develops more-conservative production techniques and the price mechanism encourages exploration and new discoveries of underground reserves. Moreover, life expectancy, housing, nutrition, and education levels are improving in both the developed and the developing world. In short, the prosperity we enjoy today is leaving future generations better off, not worse off.

How can this be? Sustainable development, if it can be defined as a call to maximize human welfare, is only possible in a legal system where property rights ensure market operability. Property rights (when well defined, enforced, and transferable) provide the structure that encourages development, innovation, conservation, and discovery of new resources. Growth, and increasing wealth through these methods, leads to improved environmental quality by raising demands for it and by providing the wherewithal to meet these demands. In this context, **economic growth is not the antithesis of sustainable development; it is the essence of it.** Therefore, how we deal with the evolution and protection of property rights in the future will determine not only how free and prosperous we are but also how much environmental quality we enjoy.

Sustainable development stems from sustainable institutions—political and economic systems based on secure property rights and the rule of law. Doomsayers, however, continue to profess, as they have since Thomas Malthus, that exponential economic growth and consumption will ultimately run up against resource limits. They call for more government regulation to stop this growth. If their calls are successful, we will have neither sustainable growth nor sustainable improvements in environmental quality. It is not resources that are too scarce but the institutions that ensure human freedom. Only by sustaining those institutions will we be able to sustain development and advance environmental quality—only then can we have our environmental cake and eat it too!

—Terry L. Anderson and Laura E. Huggins

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